
PRELIMINARY DRAFT
No. 3242

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical corrections. Proposed technical corrections.

Effective: Upon passage.



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-8-1-23.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23.4. A candidate for election as a member of the county board of tax and capital projects review in 2008 and thereafter must have resided in the county for at least one (1) year before the election.**

SECTION 2. IC 3-8-1-23.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23.6. (a) A person who runs in an election after June 30, 2008, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.**

(b) A person who runs in an election after June 30, 2008, for the office of township trustee who performs all the duties and has all the rights and powers of a township assessor under IC 36-6-5-1 must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office to qualify to perform those duties and to assume those rights and powers.

(c) A person who runs successfully under subsection (b) but has not attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office:

(1) may perform in office only duties other than the duties of a township assessor under IC 36-6-5-1; and

(2) has only the rights and powers of the trustee other than the rights and powers of a township assessor under IC 36-6-5-1.

The restrictions listed in this subsection apply to the entire term for which the person takes office, regardless of whether the person attains the certification of a level two assessor-appraiser under IC 6-1.1-35.5 during the term of office.



SECTION 3. IC 3-11-17-6, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, ~~IC 3-11-16~~, **IC 3-11-16**, and this chapter.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the election division for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account. The account consists of all civil penalties collected under this chapter.

SECTION 4. IC 4-13-16.5-1, AS AMENDED BY P.L.228-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Commission" refers to the governor's commission on minority and women's business enterprises established under section 2 of this chapter.

(c) "Commissioner" refers to the deputy commissioner for minority and women's business enterprises of the department.

(d) "Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

(e) "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

(f) "Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

- (1) United States citizens; and
- (2) members of a minority group or a qualified minority nonprofit corporation.

(g) "Qualified minority or women's nonprofit corporation" means a corporation that:

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (2) is headquartered in Indiana;
- (3) has been in continuous existence for at least five (5) years;
- (4) has a board of directors that has been in compliance with all other requirements of this chapter for at least five (5) years;
- (5) is chartered for the benefit of the minority community or women; and
- (6) provides a service that will not impede competition among minority business enterprises or women's business enterprises at



the time a nonprofit applies for certification as a minority business enterprise or a women's business enterprise.

(h) "Owned and controlled" means:

(1) if the business is a qualified minority nonprofit corporation, a majority of the board of directors are minority;

(2) if the business is a qualified women's nonprofit corporation, a majority of ~~the members of~~ the board of ~~defectors~~ **directors are** ~~is~~ women; or

(3) if the business is a business other than a qualified minority or women's nonprofit corporation, having:

(A) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;

(B) control over the management and active in the day-to-day operations of the business; and

(C) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

(i) "Minority group" means:

(1) Blacks;

(2) American Indians;

(3) Hispanics;

(4) Asian Americans; and

(5) other similar minority groups.

(j) "Separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic.

(k) "State agency" refers to any authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

SECTION 5. IC 4-13-16.5-4, AS AMENDED BY P.L.228-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before January 1 of even-numbered years, the department shall determine whether, during the most recently completed two (2) year period ending the previous July 1, the goals set under section 2(f)(8) of this chapter have been met.

(b) The department shall adopt rules under IC 4-22-2 to ensure that the goals set under section ~~2(f)(7)~~ **2(f)(8)** of this chapter are met. Expenditures with business enterprises that qualify as both a minority business enterprise and a women's business enterprise may be counted toward the attainment of the goal for either:

(1) minority business enterprises; or

(2) women's business enterprises;

at the election made by the procurer of goods, services, or goods and services, but not both.

SECTION 6. IC 4-15-7-1, AS AMENDED BY P.L.2-2007, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) No person being related to any member



of any state board or commission, or to the head of any state office or department or institution, as father, mother, brother, sister, uncle, aunt, a husband or wife, son or daughter, son-in-law or daughter-in-law, niece or nephew, shall be eligible to any position in any such state board, commission, office, or department or institution, as the case may be, nor shall any such relative be entitled to receive any compensation for his or her services out of any appropriation provided by law.

(b) This section shall not apply if such person has been employed in the same position in such office or department or institution for at least twelve (12) consecutive months immediately preceding the appointment of his relative as a board member or head of such office, department, or institution.

(c) This section does not apply to the authority of the board of trustees of a state educational institution to employ any person the board considers necessary under ~~2~~ IC 21-38-3-1.

(d) No persons related as father, mother, brother, sister, uncle, aunt, husband, wife, son, daughter, son-in-law, daughter-in-law, niece, or nephew may be placed in a direct supervisory-subordinate relationship.

SECTION 7. IC 4-22-2-37.1, AS AMENDED BY P.L.204-2007, SECTION 2, AS AMENDED BY P.L.233-2007, SECTION 1, AND AS AMENDED BY P.L.218-2007, SECTION, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 that the executive board of



the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by *or other date provided by* federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, ~~or~~ IC 4-33-4-14, *or IC 4-35-4-2*.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15 *or IC 12-15-44-19(b)*.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax



review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the



agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

SECTION 8. IC 4-23-6.5-10, AS ADDED BY P.L.157-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The board shall consult with the Indiana law enforcement academy under IC 36-2-14-22.2 concerning criminal investigations in the creation of:

(1) the training course for coroners and deputy coroners under ~~IC 36-2-14-22.2(a)~~; **IC 36-2-14-22.3(a)**; and

(2) the annual training course for coroners and deputy coroners



under ~~IC 36-2-14-22.2(b)~~. **IC 36-2-14-22.3(b).**

SECTION 9. IC 4-33-2-11.6, AS AMENDED BY P.L.227-2007, SECTION 45, AND AS AMENDED BY P.L.230-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. "Law enforcement agency" means any of the following:

- (1) The gaming agents of the Indiana gaming commission.
- (2) The state police department.
- (3) The conservation officers of the department of natural resources.
- (4) The state excise police of the alcohol and tobacco commission.
- (5) *The gaming control officers of the Indiana gaming commission.*
- ~~(5)~~ (6) *The enforcement department of the securities division of the office of the secretary of state.*

SECTION 10. IC 4-33-12-6, AS AMENDED BY P.L.233-2007, SECTION 16, AND AS AMENDED BY P.L.234-2007, SECTION 280, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

- (1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

- (A) the city in which the riverboat is docked, if the city:
 - (i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or
 - (ii) is contiguous to the Ohio River and is the largest city in the county; and

- (B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

- (2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).



(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k) *and section 7 of this chapter*, sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) ~~Twenty-five~~ Twenty-two percent ~~(25%)~~ (22%) of the



admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) ~~Twenty~~ *Twenty-two and seventy-five hundredths* percent ~~(20%)~~ (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) ~~Twenty~~ *Twenty-two and seventy-five hundredths* percent ~~(20%)~~ (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) ~~Sixty~~ *Fifty-four and five-tenths* percent ~~(60%)~~ (54.5%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. ~~The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:~~

~~(i)~~ (2) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). *At least twenty percent (20%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.*

~~(ii)~~ (3) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county



1 having a population of more than nineteen thousand three
 2 hundred (19,300) but less than twenty thousand (20,000). *At least*
 3 *twenty percent (20%) of the taxes received by a town under this*
 4 *subdivision must be transferred to the school corporation in*
 5 *which the town is located.*

6 ~~(2) Sixteen~~ (4) Twenty percent ~~(16%)~~ (20%) of the admissions tax
 7 collected during the quarter shall be paid in equal amounts to
 8 each town that:

9 (A) is located in the county in which the riverboat docks; and

10 (B) contains a historic hotel.

11 *The town council shall appropriate a part of the money received*
 12 *by the town under this subdivision to the budget of the town's*
 13 *tourism commission. At least twenty percent (20%) of the taxes*
 14 *received by a town under this subdivision must be transferred to*
 15 *the school corporation in which the town is located.*

16 ~~(3) Nine~~ (5) Ten percent ~~(9%)~~ (10%) of the admissions tax
 17 collected during the quarter shall be paid to the *historic hotel*
 18 *preservation Orange County development* commission
 19 established under IC 36-7-11.5. *At least one-third (1/3) of the*
 20 *taxes paid to the Orange County development commission under*
 21 *this subdivision must be transferred to the Orange County*
 22 *convention and visitors bureau.*

23 ~~(4) Twenty-five~~ (6) Thirteen percent ~~(25%)~~ (13%) of the
 24 admissions tax collected during the quarter shall be paid to the
 25 West Baden Springs historic hotel preservation and maintenance
 26 fund established by IC 36-7-11.5-11(b).

27 ~~(5)~~ (7) Twenty-five percent (25%) of the admissions tax collected
 28 during the quarter shall be paid to the Indiana economic
 29 development corporation to be used by the corporation for the
 30 development and implementation of a regional economic
 31 development strategy to assist the residents of the county in which
 32 the riverboat is located and residents of contiguous counties in
 33 improving their quality of life and to help promote successful and
 34 sustainable communities. The regional economic development
 35 strategy must include goals concerning the following issues:

36 (A) Job creation and retention.

37 (B) Infrastructure, including water, wastewater, and storm
 38 water infrastructure needs.

39 (C) Housing.

40 (D) Workforce training.

41 (E) Health care.

42 (F) Local planning.

43 (G) Land use.

44 (H) Assistance to regional economic development groups.

45 (I) Other regional development issues as determined by the
 46 Indiana economic development corporation.



(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and



1 treatment of compulsive gambling.

2 (7) Except as provided in subsection (k) *and section 7 of this*
 3 *chapter*, sixty-five cents (\$0.65) of the admissions tax collected
 4 by the licensed owner for each person embarking on a gambling
 5 excursion during the quarter or admitted to a riverboat during the
 6 quarter that has implemented flexible scheduling under
 7 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
 8 to be distributed as follows, in amounts determined by the Indiana
 9 horse racing commission, for the promotion and operation of
 10 horse racing in Indiana:

11 (A) To one (1) or more breed development funds established
 12 by the Indiana horse racing commission under IC 4-31-11-10.

13 (B) To a racetrack that was approved by the Indiana horse
 14 racing commission under IC 4-31. The commission may make
 15 a grant under this clause only for purses, promotions, and
 16 routine operations of the racetrack. No grants shall be made
 17 for long term capital investment or construction, and no grants
 18 shall be made before the racetrack becomes operational and is
 19 offering a racing schedule.

20 (e) Money paid to a unit of local government under subsection
 21 (b)(1) through (b)(2), (c)(1) through ~~(c)(2)~~, (c)(4), or (d)(1) through
 22 (d)(2):

23 (1) must be paid to the fiscal officer of the unit and may be
 24 deposited in the unit's general fund or riverboat fund established
 25 under IC 36-1-8-9, or both;

26 (2) may not be used to reduce the unit's maximum levy under
 27 IC 6-1.1-18.5 but may be used at the discretion of the unit to
 28 reduce the property tax levy of the unit for a particular year;

29 (3) may be used for any legal or corporate purpose of the unit,
 30 including the pledge of money to bonds, leases, or other
 31 obligations under IC 5-1-14-4; and

32 (4) is considered miscellaneous revenue.

33 (f) Money paid by the treasurer of state under subsection (b)(3) or
 34 (d)(3) shall be:

35 (1) deposited in:

36 (A) the county convention and visitor promotion fund; or

37 (B) the county's general fund if the county does not have a
 38 convention and visitor promotion fund; and

39 (2) used only for the tourism promotion, advertising, and
 40 economic development activities of the county and community.

41 (g) Money received by the division of mental health and addiction
 42 under subsections (b)(5) and (d)(6):

43 (1) is annually appropriated to the division of mental health and
 44 addiction;

45 (2) shall be distributed to the division of mental health and
 46 addiction at times during each state fiscal year determined by the



1 budget agency; and

2 (3) shall be used by the division of mental health and addiction
3 for programs and facilities for the prevention and treatment of
4 addictions to drugs, alcohol, and compulsive gambling, including
5 the creation and maintenance of a toll free telephone line to
6 provide the public with information about these addictions. The
7 division shall allocate at least twenty-five percent (25%) of the
8 money received to the prevention and treatment of compulsive
9 gambling.

10 (h) This subsection applies to the following:

11 (1) Each entity receiving money under subsection (b).

12 (2) Each entity receiving money under subsection (d)(1) through
13 (d)(2).

14 (3) Each entity receiving money under subsection (d)(5) through
15 (d)(7).

16 The treasurer of state shall determine the total amount of money paid
17 by the treasurer of state to an entity subject to this subsection during
18 the state fiscal year 2002. The amount determined under this subsection
19 is the base year revenue for each entity subject to this subsection. The
20 treasurer of state shall certify the base year revenue determined under
21 this subsection to each entity subject to this subsection.

22 (i) This subsection applies to an entity receiving money under
23 subsection (d)(3) or (d)(4). The treasurer of state shall determine the
24 total amount of money paid by the treasurer of state to the entity
25 described in subsection (d)(3) during state fiscal year 2002. The
26 amount determined under this subsection multiplied by nine-tenths
27 (0.9) is the base year revenue for the entity described in subsection
28 (d)(3). The amount determined under this subsection multiplied by
29 one-tenth (0.1) is the base year revenue for the entity described in
30 subsection (d)(4). The treasurer of state shall certify the base year
31 revenue determined under this subsection to each entity subject to this
32 subsection.

33 (j) This subsection does not apply to an entity receiving money
34 under subsection (c). For state fiscal years beginning after June 30,
35 2002, the total amount of money distributed to an entity under this
36 section during a state fiscal year may not exceed the entity's base year
37 revenue as determined under subsection (h) or (i). If the treasurer of
38 state determines that the total amount of money distributed to an entity
39 under this section during a state fiscal year is less than the entity's base
40 year revenue, the treasurer of state shall make a supplemental
41 distribution to the entity under IC 4-33-13-5(g).

42 (k) This subsection does not apply to an entity receiving money
43 under subsection (c). For state fiscal years beginning after June 30,
44 2002, the treasurer of state shall pay that part of the riverboat
45 admissions taxes that:

46 (1) ~~exceed~~ exceeds a particular entity's base year revenue; and



(2) would otherwise be due to the entity under this section;
to the property tax replacement fund instead of to the entity.

SECTION 11. IC 4-33-13-5, AS AMENDED BY P.L.233-2007, SECTION 19, AND AS AMENDED BY P.L.234-2007, SECTION 281, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue ~~deposited in the state gaming fund~~ remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.



(2) ~~Thirty-seven and one-half~~ Nineteen percent ~~(37.5%)~~ (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) ~~Five~~ Eight percent ~~(5%)~~ (8%) shall be paid to the ~~historic hotel preservation~~ Orange County development commission established under IC 36-7-11.5.

(4) ~~Ten~~ Sixteen percent ~~(10%)~~ (16%) shall be paid in equal amounts to each town that ~~(A)~~ is located in the county in which the riverboat docks and ~~(B)~~ contains a historic hotel. ~~The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission. The following apply to taxes received by a town under this subdivision:~~

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes must be transferred to the Orange County convention and visitors bureau.

(5) ~~Ten~~ Nine percent ~~(10%)~~ (9%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) ~~Twenty~~ Twenty-two and twenty-five hundredths percent ~~(20%)~~ (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) ~~Twenty~~ Twenty-two and twenty-five hundredths percent ~~(20%)~~ (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide



for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) ~~Sixty Fifty-five and five-tenths percent (60%)~~ (55.5%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. ~~The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:~~

~~(i) (6) Five percent (5%) shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.~~

~~(ii) (7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.~~

~~(8) Five-tenths percent (0.5%) shall be paid to the Orange County convention and visitors bureau.~~

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added



to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under



1 IC 6-1.1-18.5.

2 (g) This subsection does not apply to an entity receiving money
3 under IC 4-33-12-6(c). Before September 15 of each year, the treasurer
4 of state shall determine the total amount of money distributed to an
5 entity under IC 4-33-12-6 during the preceding state fiscal year. If the
6 treasurer of state determines that the total amount of money distributed
7 to an entity under IC 4-33-12-6 during the preceding state fiscal year
8 was less than the entity's base year revenue (as determined under
9 IC 4-33-12-6), the treasurer of state shall make a supplemental
10 distribution to the entity from taxes collected under this chapter and
11 deposited into the property tax replacement fund. *Except as provided*
12 *in subsection (i)*, the amount of ~~the~~ *an entity's* supplemental
13 distribution is equal to:

14 (1) the entity's base year revenue (as determined under
15 IC 4-33-12-6); minus

16 (2) the sum of:

17 (A) the total amount of money distributed to the entity during
18 the preceding state fiscal year under IC 4-33-12-6; plus

19 (B) any amounts deducted under IC 6-3.1-20-7.

20 (h) This subsection applies only to a county containing a
21 consolidated city. The county auditor shall distribute the money
22 received by the county under subsection (e) as follows:

23 (1) To each city, other than a consolidated city, located in the
24 county according to the ratio that the city's population bears to the
25 total population of the county.

26 (2) To each town located in the county according to the ratio that
27 the town's population bears to the total population of the county.

28 (3) After the distributions required in subdivisions (1) and (2) are
29 made, the remainder shall be paid in equal amounts to the
30 consolidated city and the county.

31 *(i) This subsection applies only to the Indiana horse racing*
32 *commission. For each state fiscal year the amount of the Indiana horse*
33 *racing commission's supplemental distribution under subsection (g)*
34 *must be reduced by the amount required to comply with*
35 *IC 4-33-12-7(a).*

36 SECTION 12. IC 5-1-1-1, AS AMENDED BY P.L.2-2007,
37 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 1. (a) The following definitions apply
39 throughout this section:

40 (1) "Agreement" means any agreement that includes terms,
41 representations, or provisions relating to:

42 (A) credit enhancement of, or rate covenants supporting, any
43 bonds, notes, evidences of indebtedness, leases, swap
44 agreements, or other written obligations described in
45 subsection (b);

46 (B) any indenture or provision regarding any indenture relating



- 1 to any bonds, notes, evidences of indebtedness, leases, swap
 2 agreements, or other written obligations described in
 3 subsection (b);
 4 (C) payment of any bonds, notes, evidences of indebtedness,
 5 leases, swap agreements, or other written obligations described
 6 in subsection (b) in the event of a termination of the
 7 agreement; or
 8 (D) public works, capital improvements, or economic
 9 development projects.
- 10 (2) "Leasing body" means a not-for-profit corporation, limited
 11 purpose corporation, or authority that has leased land and a
 12 building or buildings to an entity named in subsection (b) other
 13 than another leasing body.
- 14 (3) "Swap agreement" has the meaning set forth in IC 8-9.5-9-4.
- 15 (b) All bonds, notes, evidences of indebtedness, swap agreements,
 16 agreements, leases, or other written obligations issued or executed by
 17 or in the name of any:
- 18 (1) state agency, county, township, city, incorporated town, school
 19 corporation, state educational institution, ~~state educational~~
 20 ~~institution~~, political subdivision, joint agency created under
 21 IC 8-1-2.2, leasing body, separate body corporate and politic, or
 22 any other political, municipal, public or quasi-public corporation;
 23 (2) special assessment or taxing district; or
 24 (3) board, commission, authority, or authorized body of any such
 25 entity; and
- 26 any pledge, dedication or designation of revenues, conveyance, or
 27 mortgage securing these bonds, notes, evidences of indebtedness,
 28 leases, swap agreements, agreements, or other written obligations are
 29 hereby legalized and declared valid if these bonds, notes, evidences of
 30 indebtedness, leases, swap agreements, agreements, or other written
 31 obligations have been executed before March 15, 2006. All
 32 governance, organizational, or other proceedings had and actions taken
 33 under which the bonds, notes, evidences of indebtedness, leases, swap
 34 agreements, agreements, or other written obligations were issued or
 35 executed or the pledge, dedication or designation of revenues,
 36 conveyance, or mortgage was granted, are hereby fully legalized and
 37 declared valid.
- 38 (c) All contracts for the purchase of electric power and energy or
 39 utility capacity or service:
- 40 (1) entered into by a joint agency created under IC 8-1-2.2; and
 41 (2) used by the members of the joint agency for the purpose of
 42 securing payment of principal and interest on bonds, notes,
 43 evidences of indebtedness, leases, or other written obligations
 44 issued by or in the name of such joint agency;
 45 are hereby legalized and declared valid if entered into before March 15,
 46 2006. All proceedings held and actions taken under which contracts for



the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, 2006. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated.

SECTION 13. IC 5-2-6-3, AS AMENDED BY P.L.186-2007, SECTION 3, AS AMENDED BY P.L.192-2007, SECTION 1, AND AS AMENDED BY P.L.216-2007, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex *or violent* offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) *Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been*



1 *used as the site of a methamphetamine laboratory.*

2 ~~(13)~~ **(14)** *Develop and manage the gang crime witness protection*
 3 *program established by section 21 of this chapter.*

4 ~~(14)~~ **(15)** *Identify grants and other funds that can be used to fund*
 5 *the gang crime witness protection program.*

6 SECTION 14. IC 5-10-1.1-3.5, AS ADDED BY P.L.234-2007,
 7 SECTION 207, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies to
 9 an individual who becomes an employee of the state after June 30,
 10 2007.

11 (b) Unless an employee notifies the state that the employee does not
 12 want to enroll in the deferred compensation plan, on day thirty-one (31)
 13 of the employee's employment:

14 (1) the employee is automatically enrolled in the deferred
 15 compensation plan; and

16 (2) the state is authorized to begin deductions as otherwise
 17 allowed under this chapter.

18 (c) The auditor of state shall provide written notice to an employee
 19 of the provisions of this chapter. The notice provided under this
 20 subsection must:

21 (1) be provided:

22 (A) with the employee's first paycheck; and

23 (B) on paper that is a color that is separate and distinct from
 24 the color of the employee's paycheck;

25 (2) contain a statement concerning:

26 (A) the purposes of;

27 (B) procedures for notifying the state that the employee does
 28 not want to enroll in;

29 (C) the tax consequences of; **and**

30 (D) the details of the state match for employee contribution to;
 31 the deferred compensation plan; **and**

32 (3) list the telephone number, electronic mail address, and other
 33 contact information for the auditor of state, who serves as plan
 34 administrator.

35 (d) Notwithstanding IC 22-2-6, except as provided by subsection
 36 (c), the state shall deduct from an employee's compensation as a
 37 contribution to the deferred compensation plan established by the state
 38 under this chapter an amount equal to the maximum amount of any
 39 match provided by the state on behalf of the employee to a defined
 40 contribution plan established under section 1.5(a) of this chapter.

41 (e) An employee may contribute to the deferred compensation plan
 42 established by the state under this chapter an amount other than the
 43 amount described in subsection (d) by affirmatively choosing to
 44 contribute:

45 (1) a higher amount;

46 (2) a lower amount; or



1 (3) zero (0).

2 SECTION 15. IC 5-10-5.5-12, AS AMENDED BY P.L.180-2007,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 12. (a) The amount of annual retirement
5 allowance payable in equal monthly installments to a participant who
6 retires under section 11(a) of this chapter (relating to early retirement)
7 shall be determined in accordance with ~~section 10(a)~~ **section 10** of this
8 chapter (relating to normal retirement). However, the amount of annual
9 retirement allowance otherwise payable upon early retirement shall be
10 reduced by one-quarter percent (1/4%) for each full month that the date
11 of early retirement precedes the attainment of the participant's sixtieth
12 birthday.

13 (b) The amount of annual retirement allowance payable in equal
14 monthly installments to a participant who retires under section 11(b)
15 or 11(c) of this chapter (relating to early retirement) shall be
16 determined in accordance with ~~section 10(a)~~ **section 10** of this chapter
17 (relating to normal retirement).

18 SECTION 16. IC 5-10-10-4, AS AMENDED BY P.L.2-2007,
19 SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND
20 AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED
21 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
22 PASSAGE]: Sec. 4. As used in this chapter, "public safety officer"
23 means any of the following:

- 24 (1) A state police officer.
- 25 (2) A county sheriff.
- 26 (3) A county police officer.
- 27 (4) A correctional officer.
- 28 (5) An excise police officer.
- 29 (6) A county police reserve officer.
- 30 (7) A city police reserve officer.
- 31 (8) A conservation enforcement officer.
- 32 (9) A town marshal.
- 33 (10) A deputy town marshal.
- 34 (11) A probation officer.
- 35 (12) A state ~~university, college, or junior college~~ *educational*
36 *institution* police officer appointed under ~~IC 20-12-3.5.~~
37 *IC 21-39-4.*
- 38 (13) A police officer whose employer purchases coverage under
39 section 4.5 of this chapter.
- 40 (14) An emergency medical services provider (as defined in
41 IC 16-41-10-1) who is:
42 (A) employed by a political subdivision (as defined in
43 IC 36-1-2-13); and
44 (B) not eligible for a special death benefit under IC 36-8-6-20,
45 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- 46 (15) A firefighter who is employed by the fire department of a



1 state university.

2 (16) A firefighter whose employer purchases coverage under
3 section 4.5 of this chapter.

4 (17) A member of a consolidated law enforcement department
5 established under IC 36-3-1-5.1.

6 (18) A gaming agent of the Indiana gaming commission.

7 (19) A person who is:

8 (A) employed by a political subdivision (as defined in
9 IC 36-1-2-13); and

10 (B) appointed as a special deputy under IC 36-8-10-10.6.

11 (20) *A gaming control officer of the Indiana gaming commission.*

12 SECTION 17. IC 5-14-3-2, AS AMENDED BY P.L.179-2007,
13 SECTION 7, AND AS AMENDED BY P.L.227-2007, SECTION 57,
14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth
16 in this section apply throughout this chapter.

17 (b) "Copy" includes transcribing by handwriting, photocopying,
18 xerography, duplicating machine, duplicating electronically stored data
19 onto a disk, tape, drum, or any other medium of electronic data storage,
20 and reproducing by any other means.

21 (c) "Direct cost" means one hundred five percent (105%) of the sum
22 of the cost of:

23 (1) the initial development of a program, if any;

24 (2) the labor required to retrieve electronically stored data; and

25 (3) any medium used for electronic output;

26 for providing a duplicate of electronically stored data onto a disk, tape,
27 drum, or other medium of electronic data retrieval under section 8(g)
28 of this chapter, or for reprogramming a computer system under section
29 6(c) of this chapter.

30 (d) "Electronic map" means copyrighted data provided by a public
31 agency from an electronic geographic information system.

32 (e) "Enhanced access" means the inspection of a public record by a
33 person other than a governmental entity and that:

34 (1) is by means of an electronic device other than an electronic
35 device provided by a public agency in the office of the public
36 agency; or

37 (2) requires the compilation or creation of a list or report that does
38 not result in the permanent electronic storage of the information.

39 (f) "Facsimile machine" means a machine that electronically
40 transmits exact images through connection with a telephone network.

41 (g) "Inspect" includes the right to do the following:

42 (1) Manually transcribe and make notes, abstracts, or memoranda.

43 (2) In the case of tape recordings or other aural public records, to
44 listen and manually transcribe or duplicate, or make notes,
45 abstracts, or other memoranda from them.

46 (3) In the case of public records available:



- 1 (A) by enhanced access under section 3.5 of this chapter; or
 2 (B) to a governmental entity under section 3(c)(2) of this
 3 chapter;
 4 to examine and copy the public records by use of an electronic
 5 device.
 6 (4) In the case of electronically stored data, to manually transcribe
 7 and make notes, abstracts, or memoranda or to duplicate the data
 8 onto a disk, tape, drum, or any other medium of electronic
 9 storage.
 10 (h) "Investigatory record" means information compiled in the course
 11 of the investigation of a crime.
 12 (i) "Patient" has the meaning set out in IC 16-18-2-272(d).
 13 (j) "Person" means an individual, a corporation, a limited liability
 14 company, a partnership, an unincorporated association, or a
 15 governmental entity.
 16 (k) "Provider" has the meaning set out in ~~IC 16-18-2-295(a)~~
 17 *IC 16-18-2-295(b)* and includes employees of the state department of
 18 health or local boards of health who create patient records at the
 19 request of another provider or who are social workers and create
 20 records concerning the family background of children who may need
 21 assistance.
 22 (l) "Public agency", *except as provided in section 2.1 of this*
 23 *chapter*, means the following:
 24 (1) Any board, commission, department, division, bureau,
 25 committee, agency, office, instrumentality, or authority, by
 26 whatever name designated, exercising any part of the executive,
 27 administrative, judicial, or legislative power of the state.
 28 (2) Any:
 29 (A) county, township, school corporation, city, or town, or any
 30 board, commission, department, division, bureau, committee,
 31 office, instrumentality, or authority of any county, township,
 32 school corporation, city, or town;
 33 (B) political subdivision (as defined by IC 36-1-2-13); or
 34 (C) other entity, or any office thereof, by whatever name
 35 designated, exercising in a limited geographical area the
 36 executive, administrative, judicial, or legislative power of the
 37 state or a delegated local governmental power.
 38 (3) Any entity or office that is subject to:
 39 (A) budget review by either the department of local
 40 government finance or the governing body of a county, city,
 41 town, township, or school corporation; or
 42 (B) an audit by the state board of accounts *that is required by*
 43 *statute, rule, or regulation*.
 44 (4) Any building corporation of a political subdivision that issues
 45 bonds for the purpose of constructing public facilities.
 46 (5) Any advisory commission, committee, or body created by



statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, *gaming control officers of the Indiana gaming commission*, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(m) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(n) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(o) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(p) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 18. IC 5-14-3-4, AS AMENDED BY P.L.172-2007, SECTION 1, AND AS AMENDED BY P.L.179-2007, SECTION 9, IS



CORRECTED AND AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

- (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
- (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;
 - (B) the state; or
 - (C) an individual.
- (3) Test questions, scoring keys, and other examination data used



1 in administering a licensing examination, examination for
 2 employment, or academic examination before the examination is
 3 given or if it is to be given again.

4 (4) Scores of tests if the person is identified by name and has not
 5 consented to the release of the person's scores.

6 (5) The following:

7 (A) Records relating to negotiations between the Indiana
 8 economic development corporation, the Indiana finance
 9 authority, ~~or an economic development commissions,~~
 10 ~~commission, a local economic development organization (as~~
 11 ~~defined in IC 5-28-11-2(3)), or a governing body of a political~~
 12 ~~subdivision~~ with industrial, research, or commercial prospects,
 13 if the records are created while negotiations are in progress.

14 (B) Notwithstanding clause (A), the terms of the final offer of
 15 public financial resources communicated by the Indiana
 16 economic development corporation, the Indiana finance
 17 authority, ~~or an economic development commissions~~
 18 ~~commission, or a governing body of a political subdivision~~ to
 19 an industrial, a research, or a commercial prospect shall be
 20 available for inspection and copying under section 3 of this
 21 chapter after negotiations with that prospect have terminated.

22 (C) When disclosing a final offer under clause (B), the Indiana
 23 economic development corporation shall certify that the
 24 information being disclosed accurately and completely
 25 represents the terms of the final offer.

26 (6) Records that are intra-agency or interagency advisory or
 27 deliberative material, including material developed by a private
 28 contractor under a contract with a public agency, that are
 29 expressions of opinion or are of a speculative nature, and that are
 30 communicated for the purpose of decision making.

31 (7) Diaries, journals, or other personal notes serving as the
 32 functional equivalent of a diary or journal.

33 (8) Personnel files of public employees and files of applicants for
 34 public employment, except for:

35 (A) the name, compensation, job title, business address,
 36 business telephone number, job description, education and
 37 training background, previous work experience, or dates of
 38 first and last employment of present or former officers or
 39 employees of the agency;

40 (B) information relating to the status of any formal charges
 41 against the employee; and

42 (C) the factual basis for a disciplinary action in which final
 43 action has been taken and that resulted in the employee being
 44 suspended, demoted, or discharged.

45 However, all personnel file information shall be made available
 46 to the affected employee or the employee's representative. This



subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems,



including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a



reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 19. IC 5-16-8-1, AS AMENDED BY P.L.6-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Foundry products" means products cast from ferrous and nonferrous metals by foundries in the United States.

(c) "Person" means a natural person, corporation, limited liability company, partnership, or other business unit or association.

(d) "Public agency" means:

(1) the state of Indiana;

~~(2) its departments, agencies, boards, commissions, and institutions; a department, agency, board, commission, or institution of the state of Indiana; and or~~

~~(2)(3) a county, city, townships, township, school or conservancy districts, district, or other governmental units unit or districts;~~



1 **district;**

2 that ~~let~~ **receives** public bids for construction or other public works
3 under Indiana law.

4 (e) "Steel products" means products rolled, formed, shaped, drawn,
5 extruded, forged, cast, fabricated, or otherwise similarly processed, or
6 processed by a combination of two (2) or more of such operations, from
7 steel made in the United States by the open hearth, basic oxygen,
8 electric furnace, Bessemer, or other steel making process.

9 (f) "United States" refers to the United States of America. The term
10 includes all territory, continental or insular, subject to the jurisdiction
11 of the United States.

12 SECTION 20. IC 5-20-4-7, AS AMENDED BY P.L.211-2007,
13 SECTION 1, AND AS AMENDED BY P.L.234-2007, SECTION 200,
14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) There is established the
16 affordable housing and community development fund. The fund shall
17 be administered by the authority under the direction of the authority's
18 board.

19 (b) The fund consists of the following resources:

- 20 (1) Appropriations from the general assembly.
- 21 (2) Gifts, grants, and donations of any tangible or intangible
- 22 property from public or private sources.
- 23 (3) Investment income earned on the fund's assets.
- 24 (4) Repayments of loans from the fund.
- 25 (5) Funds borrowed from the board for depositories insurance
- 26 fund (IC 5-13-12-7).
- 27 (6) Money deposited in the fund under *IC 6-7-2-17* **and**
- 28 *IC 36-2-7-10*.

29 (c) The treasurer of state shall invest the money in the fund not
30 currently needed to meet the obligations of the fund in the same
31 manner as other public funds may be invested.

32 (d) The money remaining in the fund at the end of a fiscal year does
33 not revert to the state general fund.

34 (e) Interest earned on the fund may be used by the authority to pay
35 expenses incurred in the administration of the fund.

36 SECTION 21. IC 6-1.1-1-24, AS ADDED BY P.L.219-2007,
37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 24. If a transfer from a township assessor to
39 the county assessor of the assessment duties prescribed by this article
40 results from the failure of a person elected to the office of township
41 assessor to attain the certification of a level two assessor-appraiser as
42 provided in ~~IC 3-8-1-23.5~~, **IC 3-8-1-23.6**, as described in
43 IC 36-2-15-5(e), a reference to the township assessor in this article is
44 considered to be a reference to the county assessor.

45 SECTION 22. IC 6-1.1-7-7 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The owner



1 of a mobile home on the assessment date of a year is liable for the taxes
 2 imposed upon the mobile home for that year. Except as provided in
 3 subsection (b), the owner shall pay the taxes in two (2) equal,
 4 semi-annual installments. These semi-annual installments are due on
 5 May 10 and November 10 of the year of assessment.

6 (b) A county council may adopt an ordinance to require an owner to
 7 pay his property tax liability for his mobile home in one (1) installment,
 8 if the tax liability for a particular year is less than twenty-five dollars
 9 (\$25). If the county council has adopted such an ordinance, then
 10 whenever a tax statement mailed under ~~IC 6-1.1-22-8~~ **IC 6-1.1-22-8.1**
 11 shows that an owner's property tax liability for a particular year for a
 12 mobile home is less than twenty-five dollars (\$25), the owner shall pay
 13 the entire tax liability for the mobile home for that year on May 10 of
 14 that year.

15 SECTION 23. IC 6-1.1-10.1-12 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) At any time
 17 within twenty (20) years after the date that a business has been
 18 designated as a high impact business under section 8 of this chapter,
 19 the designating body may determine whether the high impact business
 20 owner has substantially complied with the statement of benefits
 21 approved under section 9 of this chapter. If the designating body
 22 determines that the high impact business owner has not substantially
 23 complied with the statement of benefits and that the failure to
 24 substantially comply was not caused by factors beyond the control of
 25 the high impact business owner (such as declines in demand for the
 26 property owner's products or services), the designating body shall mail
 27 a written notice to the high impact business owner. The written notice
 28 must include the following provisions:

29 (1) An explanation of the reasons for the designating body's
 30 determination.

31 (2) The date, time, and place of a hearing to be conducted by the
 32 designating body for the purpose of further considering the high
 33 impact business owner's compliance with the statement of
 34 benefits. The date of the hearing must be not less than fifteen (15)
 35 and not more than thirty (30) days after the date on which the
 36 notice is mailed.

37 (b) On the date specified in the notice described in subsection
 38 (a)(2), the designating body shall conduct a hearing to further consider
 39 the high impact business owner's compliance with the statement of
 40 benefits. Based on the information presented at the hearing by the high
 41 impact business owner and other interested parties, the designating
 42 body shall again determine whether the high impact business owner has
 43 made reasonable efforts to substantially comply with the statement of
 44 benefits and whether any failure to substantially comply was caused by
 45 factors beyond the control of the high impact business owner. If the
 46 designating body determines that the high impact business owner has



not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution either:

(1) terminating the high impact business owner's property tax credit under section 10 of this chapter; or

(2) imposing a penalty under section 13 of this chapter if the failure to comply with the statement of benefits occurs more than ten (10) years after the first year in which the high impact business claimed a property tax credit under section 11 of this chapter.

(c) If the designating body adopts a resolution terminating the high impact business owner's property tax credit under this chapter:

(1) the credit does not apply to the next installment of property taxes owed by the high impact business owner or to any subsequent installment of property taxes;

(2) the high impact business owner shall pay the amount determined under section 14(e) of this chapter to the county treasurer; and

(3) the county treasurer shall distribute the money paid under this section in accordance with section 14(f) of this chapter.

(d) If the designating body adopts a resolution terminating a property tax credit under subsection (b), the designating body shall immediately mail a certified copy of the resolution to:

(1) the high impact business owner; and

(2) the county auditor.

The county auditor shall remove the property tax credit from the tax duplicate and shall notify the county treasurer of the termination of the credit. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by ~~IC 6-1.1-22-8~~, **IC 6-1.1-22-8.1**, the county treasurer shall immediately mail the high impact business owner a revised statement that reflects the termination of the property tax credit.

(e) A high impact business owner whose property tax credit under section 10 of this chapter is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court, together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the high impact business owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the property tax credit under this chapter and the payment required by this section are not due until after the appeal



1 is finally adjudicated and the termination of the credit is finally
2 determined.

3 SECTION 24. IC 6-1.1-12-14, AS AMENDED BY P.L.219-2007,
4 SECTION 26, AND AS AMENDED BY P.L.99-2007, SECTION 24,
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in
7 subsection (c) and except as provided in section 40.5 of this chapter, an
8 individual may have the sum of twelve thousand four hundred eighty
9 dollars (\$12,480) deducted from the assessed value of the tangible
10 property that the individual owns (or the real property, mobile home
11 not assessed as real property, or manufactured home not assessed as
12 real property that the individual is buying under a contract that
13 provides that the individual is to pay property taxes on the real
14 property, mobile home, or manufactured home if the contract or a
15 memorandum of the contract is recorded in the county recorder's office)
16 if:

- 17 (1) the individual served in the military or naval forces of the
- 18 United States for at least ninety (90) days;
- 19 (2) the individual received an honorable discharge;
- 20 (3) the individual either:
- 21 (A) ~~is totally disabled;~~ *has a total disability;* or
- 22 (B) is at least sixty-two (62) years old and has a disability of at
- 23 least ten percent (10%); and
- 24 (4) the individual's disability is evidenced by:
- 25 (A) a pension certificate or an award of compensation issued
- 26 by the United States Department of Veterans Affairs; or
- 27 (B) a certificate of eligibility issued to the individual by the
- 28 Indiana department of veterans' affairs after the Indiana
- 29 department of veterans' affairs has determined that the
- 30 individual's disability qualifies the individual to receive a
- 31 deduction under this section.

32 (b) Except as provided in subsection (c), the surviving spouse of an
33 individual may receive the deduction provided by this section if the
34 individual would qualify for the deduction if the individual were alive.

35 (c) No one is entitled to the deduction provided by this section if the
36 assessed value of the individual's tangible property, as shown by the tax
37 duplicate, exceeds one hundred ~~thirteen~~ *thirteen* forty-three thousand one
38 ~~hundred sixty~~ *hundred sixty* dollars (~~\$113,000~~; *\$143,160*).

39 (d) An individual who has sold real property, a mobile home not
40 assessed as real property, or a manufactured home not assessed as real
41 property to another person under a contract that provides that the
42 contract buyer is to pay the property taxes on the real property, mobile
43 home, or manufactured home may not claim the deduction provided
44 under this section against that real property, mobile home, or
45 manufactured home.

46 SECTION 25. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.137-2007,



SECTION 3, AND AS AMENDED BY P.L.219-2007, SECTION 31,
IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) For purposes of this
section, "personal property" means personal property other than
inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the
designating body. The applicant must provide the completed statement
of benefits form to the designating body before the hearing specified in
section 2.5(c) of this chapter or before the installation of the new
manufacturing equipment, new research and development equipment,
new logistical distribution equipment, or new information technology
equipment for which the person desires to claim a deduction under this
chapter. The department of local government finance shall prescribe a
form for the statement of benefits. The statement of benefits must
include the following information:

(1) A description of the new manufacturing equipment, new
research and development equipment, new logistical distribution
equipment, or new information technology equipment that the
person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid
waste or hazardous waste by converting the solid waste or
hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical
distribution equipment, or new information technology
equipment;

an estimate of the number of individuals who will be employed or
whose employment will be retained by the person as a result of
the installation of the new manufacturing equipment, new
research and development equipment, new logistical distribution
equipment, or new information technology equipment and an
estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment,
new research and development equipment, new logistical
distribution equipment, or new information technology
equipment.

(4) With respect to new manufacturing equipment used to dispose
of solid waste or hazardous waste by converting the solid waste
or hazardous waste into energy or other useful products, an
estimate of the amount of solid waste or hazardous waste that will
be converted into energy or other useful products by the new
manufacturing equipment.

The statement of benefits may be incorporated in a designation
application. Notwithstanding any other law, a statement of benefits is
a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits



required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), and subject to subsection



(i) *and section 15 of this chapter*, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, and subject to subsection (i) *and section 15 of this chapter*, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

- (1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by
- (2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

- (1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

- (2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

- (3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

- (4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

- (5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%



1	4th	40%
2	5th	20%
3	6th and thereafter	0%
4	(6) For deductions allowed over a six (6) year period:	
5	YEAR OF DEDUCTION	PERCENTAGE
6	1st	100%
7	2nd	85%
8	3rd	66%
9	4th	50%
10	5th	34%
11	6th	25%
12	7th and thereafter	0%
13	(7) For deductions allowed over a seven (7) year period:	
14	YEAR OF DEDUCTION	PERCENTAGE
15	1st	100%
16	2nd	85%
17	3rd	71%
18	4th	57%
19	5th	43%
20	6th	29%
21	7th	14%
22	8th and thereafter	0%
23	(8) For deductions allowed over an eight (8) year period:	
24	YEAR OF DEDUCTION	PERCENTAGE
25	1st	100%
26	2nd	88%
27	3rd	75%
28	4th	63%
29	5th	50%
30	6th	38%
31	7th	25%
32	8th	13%
33	9th and thereafter	0%
34	(9) For deductions allowed over a nine (9) year period:	
35	YEAR OF DEDUCTION	PERCENTAGE
36	1st	100%
37	2nd	88%
38	3rd	77%
39	4th	66%
40	5th	55%
41	6th	44%
42	7th	33%
43	8th	22%
44	9th	11%
45	10th and thereafter	0%
46	(10) For deductions allowed over a ten (10) year period:	



	YEAR OF DEDUCTION	PERCENTAGE
1		
2	1st	100%
3	2nd	90%
4	3rd	80%
5	4th	70%
6	5th	60%
7	6th	50%
8	7th	40%
9	8th	30%
10	9th	20%
11	10th	10%
12	11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a *criminal* violation under IC 13, including IC 13-7-13-3 (repealed) or IC 13-7-13-4 (repealed); or



~~IC 13-30-6~~ or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 26. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.154-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, 4.5, or 4.8 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:



(1) An explanation of the reasons for the designating body's determination.

(2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.

(c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, 4.5, or 4.8 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

- (1) the property owner;
- (2) the county auditor; and
- (3) if the deduction applied under section 4.5 of this chapter, the township assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by ~~IC 6-1.1-22-8~~, **IC 6-1.1-22-8.1**, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

(e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal.



The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 27. IC 6-1.1-12.4-2, AS AMENDED BY P.L.219-2007, SECTION 34, AND AS AMENDED BY P.L.234-2007, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, ~~2009~~ 2007. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

- (1) develops, redevelops, or rehabilitates the real property; and
- (2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) *Subject to section 14 of this chapter*, the deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor shall:

- (1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and
- (2) inform the county auditor of the deduction amount.

(e) The county auditor shall:



(1) make the deductions; and
 (2) notify the county property tax assessment board of appeals of all deductions approved;
 under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

- (1) a general reassessment of real property under IC 6-1.1-4-4; or
- (2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 28. IC 6-1.1-12.4-3, AS AMENDED BY P.L.219-2007, SECTION 35, AND AS AMENDED BY P.L.234-2007, SECTION 39, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, ~~2009~~ 2007. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) *Subject to section 14 of this chapter*, the deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%



1	2nd	50%
2	3rd	25%

3 (d) If an appeal of an assessment is approved that results in a
4 reduction of the assessed value of the personal property, the amount of
5 the deduction is adjusted to reflect the percentage decrease that results
6 from the appeal.

7 (e) A property owner must claim the deduction under this section on
8 the owner's annual personal property tax return. The township assessor
9 shall:

10 (1) identify the personal property eligible for the deduction to the
11 county auditor; and

12 (2) inform the county auditor of the deduction amount.

13 (f) The county auditor shall:

14 (1) make the deductions; and

15 (2) notify the county property tax assessment board of appeals of
16 all deductions approved;

17 under this section.

18 (g) The deduction under this section does not apply to personal
19 property at a facility listed in IC 6-1.1-12.1-3(e).

20 SECTION 29. IC 6-1.1-12.4-9, AS ADDED BY P.L.193-2005,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 9. If an official terminates a deduction under
23 section 8 of this chapter:

24 (1) the official shall immediately mail a certified copy of the
25 determination to:

26 (A) the property owner; and

27 (B) if the determination is made by the county assessor or the
28 township assessor, the county auditor;

29 (2) the county auditor shall:

30 (A) remove the deduction from the tax duplicate; and

31 (B) notify the county treasurer of the termination of the
32 deduction; and

33 (3) if the official's determination to terminate the deduction
34 occurs after the county treasurer has mailed the statement
35 required by ~~IC 6-1.1-22-8~~, **IC 6-1.1-22-8.1**, the county treasurer
36 shall immediately mail the property owner a revised statement
37 that reflects the termination of the deduction.

38 SECTION 30. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007,
39 SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5,
40 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a
42 political subdivision shall formulate its estimated budget and its
43 proposed tax rate and tax levy on the form prescribed by the
44 department of local government finance and approved by the state
45 board of accounts. The political subdivision shall give notice by
46 publication to taxpayers of:



- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b)~~; IC 6-1.1-15-1(c);

- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and

- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

- (i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

- (ii) the department of local government finance;

- (3) a prominently displayed notation that:

- (A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

- (B) based on various factors, including potential actions by:

- (i) the county board of tax adjustment (*before January 1,*



2009) or the county board of tax and capital projects review
(after December 31, 2008); or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will
differ substantially from the estimate;

(4) comparative information showing the amount of property
taxes for which the person is liable to each political subdivision
on the tangible property for taxes first due and payable in the
current year; and

(5) the date, time, and place at which the political subdivision will
hold a public hearing on the political subdivision's estimated
budget and proposed tax rate and tax levy as required under
subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing;
statements under subsection (b). Mailing the statement described in
subsection (b) to a mortgagee maintaining an escrow account for a
person who is liable for any property taxes shall not be construed as
compliance with subsection (b).

(d) The board of directors of a solid waste management district
established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published
under IC 13-21-5-2.

(e) The trustee of each township in the county shall estimate the
amount necessary to meet the cost of township assistance in the
township for the ensuing calendar year. The township board shall adopt
with the township budget a tax rate sufficient to meet the estimated cost
of township assistance. The taxes collected as a result of the tax rate
adopted under this subsection are credited to the township assistance
fund.

(f) A county shall adopt with the county budget and the department
of local government finance shall certify under section 16 of this
chapter a tax rate sufficient to raise the levy necessary to pay the
following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the
county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment
services (as defined in IC 12-19-7.5-1) of the county payable from
the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or
approved or modified by a county board of tax adjustment that is less
than the levy necessary to pay the costs described in subdivision (1) or
(2) shall not be treated as a final budget, tax rate, or tax levy under



1 section 11 of this chapter.

2 SECTION 31. IC 6-1.1-17-5, AS AMENDED BY P.L.219-2007,
3 SECTION 50, AND AS AMENDED BY P.L.224-2007, SECTION 6,
4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political
6 subdivisions shall meet each year to fix the budget, tax rate, and tax
7 levy of their respective subdivisions for the ensuing budget year as
8 follows:

9 ~~(1) The fiscal body of a consolidated city and county, not later~~
10 ~~than the last meeting of the fiscal body in September.~~

11 ~~(2) The fiscal body of a municipality, not later than September 30.~~

12 ~~(3) (1) The board of school trustees of a school corporation that~~
13 ~~is located in a city having a population of more than one hundred~~
14 ~~five thousand (105,000) but less than one hundred twenty~~
15 ~~thousand (120,000), not later than:~~

16 (A) the time required in section 5.6(b) of this chapter; or

17 (B) September ~~20~~ 30 if a resolution adopted under section
18 5.6(d) of this chapter is in effect.

19 ~~(4) (2) The proper officers of all other political subdivisions, not~~
20 ~~later than September 20: 30.~~

21 Except in a consolidated city and county and in a second class city, the
22 public hearing required by section 3 of this chapter must be completed
23 at least ten (10) days before the proper officers of the political
24 subdivision meet to fix the budget, tax rate, and tax levy. In a
25 consolidated city and county and in a second class city, that public
26 hearing, by any committee or by the entire fiscal body, may be held at
27 any time after introduction of the budget.

28 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
29 tax levy of a political subdivision fixed under subsection (a) by filing
30 an objection petition with the proper officers of the political
31 subdivision not more than seven (7) days after the hearing. The
32 objection petition must specifically identify the provisions of the
33 budget, tax rate, and tax levy to which the taxpayers object.

34 (c) If a petition is filed under subsection (b), the fiscal body of the
35 political subdivision shall adopt with its budget a finding concerning
36 the objections in the petition and any testimony presented at the
37 adoption hearing.

38 (d) This subsection does not apply to a school corporation. Each
39 year at least two (2) days before the first meeting *after September 20*
40 *of the county board of tax adjustment (before January 1, 2009) or the*
41 *county board of tax and capital projects review (after December 31,*
42 *2008) held under IC 6-1.1-29-4, a political subdivision shall file with*
43 *the county auditor:*

44 (1) a statement of the tax rate and levy fixed by the political
45 subdivision for the ensuing budget year;

46 (2) two (2) copies of the budget adopted by the political



subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) at the board's first meeting under IC 6-1.1-29-4 after September 20 of that year.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 32. IC 6-1.1-17-5.6, AS AMENDED BY P.L.219-2007, SECTION 51, AND AS AMENDED BY P.L.224-2007, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) This section applies only to a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000).

(b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before September ~~20~~ 30.

(c) Each year, at least two (2) days before the first meeting after September 20 of the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

(1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;

(2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and

(3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county



board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) at the board's first meeting *after September 20 of that year*.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 33. IC 6-1.1-18.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a) For purposes of STEP TWO of section 2(a) of this chapter and STEP TWO of section 2(b) of this chapter, the civil taxing unit's taxable property includes all taxable property located in the geographic area subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, regardless of whether that property was located in the geographic area subject to the civil taxing unit's ad valorem property tax levy in the calendar years for which the computation is made.~~

~~(b) For purposes of STEP TWO of section 2(a) of this chapter, STEP THREE of section 3(a) of this chapter and STEP THREE of section 3(b) of this chapter, the assessed value of taxable property is the assessed value of that property as determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for the applicable calendar year, excluding deductions allowed under IC 6-1.1-12 or IC 6-1.1-12.1.~~

SECTION 34. IC 6-1.1-18.5-12, AS AMENDED BY P.L.219-2007, SECTION 56, AND AS AMENDED BY P.L.224-2007, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for



an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 16 of this chapter, before

~~(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or~~

~~(B) with the approval of the county fiscal body of the county in which the civil taxing unit is located, March 1 of the ensuing calendar year;~~

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall promptly deliver to the local government tax control board *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008)* every appeal petition it receives under subsection (a) and any materials it receives relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board *or the county board of tax and capital projects review* shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the local government tax control board *or the county board of tax and capital projects review* has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the board with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing of the local government tax control board *or the county board of tax and capital projects review* after having been given written notice from the local government tax control board *or the county board of tax and capital projects review* requiring that person's attendance; or

(2) fails to produce for the local government tax control board's *or the county board of tax and capital projects review's* use the books and records that the local government tax control board *or the county board of tax and capital projects review* by written notice required the officer or member to produce;

then the local government tax control board *or the county board of tax and capital projects review* may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting



1 forth the facts of the failure.

2 (e) Upon the filing of an affidavit under subsection (d), the circuit
3 court shall promptly issue a summons, and the sheriff of the county
4 within which the circuit court is sitting shall serve the summons. The
5 summons must command the officer or member to appear before the
6 local government tax control board *or the county board of tax and*
7 *capital projects review*, to provide information to the local government
8 tax control board *or the county board of tax and capital projects*
9 *review*, or to produce books and records for the local government tax
10 control board's *or the county board of tax and capital projects review's*
11 use, as the case may be. Disobedience of the summons constitutes, and
12 is punishable as, a contempt of the circuit court that issued the
13 summons.

14 (f) All expenses incident to the filing of an affidavit under
15 subsection (d) and the issuance and service of a summons shall be
16 charged to the officer or member against whom the summons is issued,
17 unless the circuit court finds that the officer or member was acting in
18 good faith and with reasonable cause. If the circuit court finds that the
19 officer or member was acting in good faith and with reasonable cause
20 or if an affidavit is filed and no summons is issued, the expenses shall
21 be charged against the county in which the affidavit was filed and shall
22 be allowed by the proper fiscal officers of that county.

23 (g) The fiscal officer of a civil taxing unit that appeals under section
24 16 of this chapter for relief from levy limitations shall immediately file
25 a copy of the appeal petition with the county auditor and the county
26 treasurer of the county in which the unit is located.

27 SECTION 35. IC 6-1.1-18.5-13, AS AMENDED BY P.L.196-2007,
28 SECTION 2, AND AS AMENDED BY P.L.224-2007, SECTION 25,
29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 13. With respect to an appeal
31 filed under section 12 of this chapter, the local government tax control
32 board (*before January 1, 2009*) *or the county board of tax and capital*
33 *projects review (after December 31, 2008)* may recommend that a civil
34 taxing unit receive any one (1) or more of the following types of relief:

35 (1) *A levy increase may not be granted under this subdivision for*
36 *property taxes first due and payable after December 31, 2009.*

37 Permission to the civil taxing unit to increase its levy in excess of
38 the limitations established under section 3 of this chapter, if in the
39 judgment of the local government tax control board the increase
40 is reasonably necessary due to increased costs of the civil taxing
41 unit resulting from annexation, consolidation, or other extensions
42 of governmental services by the civil taxing unit to additional
43 geographic areas or persons.

44 (2) *A levy increase may not be granted under this subdivision for*
45 *property taxes first due and payable after December 31, 2009.*

46 Permission to the civil taxing unit to increase its levy in excess of



the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property *or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5* does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value



of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.

Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.

Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum



1 increase in a civil taxing unit's levy that may be recommended
 2 under this subdivision for an ensuing calendar year equals the
 3 amount, if any, by which the pension payments and contributions
 4 the civil taxing unit is required to make under IC 36-8 during the
 5 ensuing calendar year exceeds the product of one and one-tenth
 6 (1.1) multiplied by the pension payments and contributions made
 7 by the civil taxing unit under IC 36-8 during the calendar year that
 8 immediately precedes the ensuing calendar year. For purposes of
 9 this subdivision, "pension payments and contributions made by a
 10 civil taxing unit" does not include that part of the payments or
 11 contributions that are funded by distributions made to a civil
 12 taxing unit by the state.

13 *(6) A levy increase may not be granted under this subdivision for*
 14 *property taxes first due and payable after December 31, 2009.*
 15 Permission to increase its levy in excess of the limitations
 16 established under section 3 of this chapter if the local government
 17 tax control board finds that:

18 (A) the township's township assistance ad valorem property
 19 tax rate is less than one and sixty-seven hundredths cents
 20 (\$0.0167) per one hundred dollars (\$100) of assessed
 21 valuation; and

22 (B) the township needs the increase to meet the costs of
 23 providing township assistance under IC 12-20 and IC 12-30-4.

24 The maximum increase that the board may recommend for a
 25 township is the levy that would result from an increase in the
 26 township's township assistance ad valorem property tax rate of
 27 one and sixty-seven hundredths cents (\$0.0167) per one hundred
 28 dollars (\$100) of assessed valuation minus the township's ad
 29 valorem property tax rate per one hundred dollars (\$100) of
 30 assessed valuation before the increase.

31 *(7) A levy increase may not be granted under this subdivision for*
 32 *property taxes first due and payable after December 31, 2009.*
 33 Permission to a civil taxing unit to increase its levy in excess of
 34 the limitations established under section 3 of this chapter if:

35 (A) the increase has been approved by the legislative body of
 36 the municipality with the largest population where the civil
 37 taxing unit provides public transportation services; and

38 (B) the local government tax control board finds that the civil
 39 taxing unit needs the increase to provide adequate public
 40 transportation services.

41 The local government tax control board shall consider tax rates
 42 and levies in civil taxing units of comparable population, and the
 43 effect (if any) of a loss of federal or other funds to the civil taxing
 44 unit that might have been used for public transportation purposes.
 45 However, the increase that the board may recommend under this
 46 subdivision for a civil taxing unit may not exceed the revenue that



would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.

Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2009.

Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of



1 this chapter, if the local government tax control board finds
 2 that the county needs the increase to meet the county's share of
 3 the costs of operating a jail or juvenile detention center,
 4 including expansion of the facility, if the jail or juvenile
 5 detention center is opened after December 31, 1991;

6 (B) that operates a county jail or juvenile detention center that
 7 is subject to an order that:

8 (i) was issued by a federal district court; and

9 (ii) has not been terminated;

10 (C) that operates a county jail that fails to meet:

11 (i) American Correctional Association Jail Construction
 12 Standards; and

13 (ii) Indiana jail operation standards adopted by the
 14 department of correction; or

15 (D) that operates a juvenile detention center that fails to meet
 16 standards equivalent to the standards described in clause (C)
 17 for the operation of juvenile detention centers.

18 Before recommending an increase, the local government tax
 19 control board shall consider all other revenues available to the
 20 county that could be applied for that purpose. An appeal for
 21 operating funds for a jail or a juvenile detention center shall be
 22 considered individually, if a jail and juvenile detention center are
 23 both opened in one (1) county. The maximum aggregate levy
 24 increases that the local government tax control board may
 25 recommend for a county equals the county's share of the costs of
 26 operating the jail or a juvenile detention center for the first full
 27 calendar year in which the jail or juvenile detention center is in
 28 operation.

29 (10) *A levy increase may not be granted under this subdivision*
 30 *for property taxes first due and payable after December 31, 2009.*

31 Permission for a township to increase its levy in excess of the
 32 limitations established under section 3 of this chapter, if the local
 33 government tax control board finds that the township needs the
 34 increase so that the property tax rate to pay the costs of furnishing
 35 fire protection for a township, or a portion of a township, enables
 36 the township to pay a fair and reasonable amount under a contract
 37 with the municipality that is furnishing the fire protection.
 38 However, for the first time an appeal is granted the resulting rate
 39 increase may not exceed fifty percent (50%) of the difference
 40 between the rate imposed for fire protection within the
 41 municipality that is providing the fire protection to the township
 42 and the township's rate. A township is required to appeal a second
 43 time for an increase under this subdivision if the township wants
 44 to further increase its rate. However, a township's rate may be
 45 increased to equal but may not exceed the rate that is used by the
 46 municipality. More than one (1) township served by the same



1 municipality may use this appeal.

2 *(11) A levy increase may not be granted under this subdivision*
 3 *for property taxes first due and payable after December 31, 2009.*

4 Permission for a township to increase its levy in excess of the
 5 limitations established under section 3 of this chapter, if the local
 6 government tax control board finds that the township has been
 7 required, for the three (3) consecutive years preceding the year for
 8 which the appeal under this subdivision is to become effective, to
 9 borrow funds under IC 36-6-6-14 to furnish fire protection for the
 10 township or a part of the township. However, the maximum
 11 increase in a township's levy that may be allowed under this
 12 subdivision is the least of the amounts borrowed under
 13 IC 36-6-6-14 during the preceding three (3) calendar years. A
 14 township may elect to phase in an approved increase in its levy
 15 under this subdivision over a period not to exceed three (3) years.
 16 A particular township may appeal to increase its levy under this
 17 section not more frequently than every fourth calendar year.

18 *(12) A levy increase may not be granted under this subdivision*
 19 *for property taxes first due and payable after December 31, 2009.*

20 Permission to a city having a population of more than twenty-nine
 21 thousand (29,000) but less than thirty-one thousand (31,000) to
 22 increase its levy in excess of the limitations established under
 23 section 3 of this chapter if:

24 (A) an appeal was granted to the city under this section to
 25 reallocate property tax replacement credits under IC 6-3.5-1.1
 26 in 1998, 1999, and 2000; and

27 (B) the increase has been approved by the legislative body of
 28 the city, and the legislative body of the city has by resolution
 29 determined that the increase is necessary to pay normal
 30 operating expenses.

31 The maximum amount of the increase is equal to the amount of
 32 property tax replacement credits under IC 6-3.5-1.1 that the city
 33 petitioned under this section to have reallocated in 2001 for a
 34 purpose other than property tax relief.

35 *(13) A levy increase may be granted under this subdivision only*
 36 *for property taxes first due and payable after December 31, 2009.*

37 *Permission to a civil taxing unit to increase its levy in excess of*
 38 *the limitations established under section 3 of this chapter if the*
 39 *civil taxing unit cannot carry out its governmental functions for*
 40 *an ensuing calendar year under the levy limitations imposed by*
 41 *section 3 of this chapter.*

42 SECTION 36. IC 6-1.1-20-3.2, AS AMENDED BY P.L.219-2007,
 43 SECTION 61, AND AS AMENDED BY P.L.224-2007, SECTION 31,
 44 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 45 [EFFECTIVE UPON PASSAGE]: Sec. 3.2. If a sufficient petition
 46 requesting the application of a petition and remonstrance process has



1 been filed as set forth in section 3.1 of this chapter, a political
 2 subdivision may not impose property taxes to pay debt service or lease
 3 rentals without completing the following procedures:

4 (1) The proper officers of the political subdivision shall give
 5 notice of the applicability of the petition and remonstrance
 6 process by:

7 (A) publication in accordance with IC 5-3-1; and

8 (B) first class mail to the organizations described in section
 9 3.1(1)(B) of this chapter.

10 A notice under this subdivision must include a statement that any
 11 owners of real property *within the political subdivision or*
 12 *registered voters residing* within the political subdivision who
 13 want to petition in favor of or remonstrate against the proposed
 14 debt service or lease payments must file petitions and
 15 remonstrances in compliance with subdivisions (2) through (4)
 16 not earlier than thirty (30) days or later than sixty (60) days after
 17 publication in accordance with IC 5-3-1.

18 (2) Not earlier than thirty (30) days or later than sixty (60) days
 19 after the notice under subdivision (1) is given:

20 (A) petitions (described in subdivision (3)) in favor of the
 21 bonds or lease; and

22 (B) remonstrances (described in subdivision (3)) against the
 23 bonds or lease;

24 may be filed by an owner or owners of real property *within the*
 25 *political subdivision or a registered voter residing* within the
 26 political subdivision. Each signature on a petition must be dated
 27 and the date of signature may not be before the date on which the
 28 petition and remonstrance forms may be issued under subdivision
 29 (3). A petition described in clause (A) or a remonstrance
 30 described in clause (B) must be verified in compliance with
 31 subdivision (4) before the petition or remonstrance is filed with
 32 the county ~~auditor~~ *voter registration office* under subdivision (4).

33 (3) The state board of accounts shall design and, upon request by
 34 the county ~~auditor~~, *voter registration office*, deliver to the county
 35 ~~auditor~~ *voter registration office* or the county ~~auditor's~~ *voter*
 36 *registration office's* designated printer the petition and
 37 remonstrance forms to be used solely in the petition and
 38 remonstrance process described in this section. The county
 39 ~~auditor~~ *voter registration office* shall issue to an owner or owners
 40 of real property *within the political subdivision or a registered*
 41 *voter residing* within the political subdivision the number of
 42 petition or remonstrance forms requested by the owner or owners
 43 *or the registered voter*. Each form must be accompanied by
 44 instructions detailing the requirements that:

45 (A) the carrier and signers must be owners of real property *or*
 46 *registered voters*;



- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;
- (D) govern the closing date for the petition and remonstrance period; and
- (E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may ~~not~~ be required to identify themselves *as owners of real property or registered voters* and may be allowed to pick up additional copies to distribute to other property owners *or registered voters*. *Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of real property within the political subdivision. A person who signs a petition or remonstrance as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition or remonstrance as a real property owner must indicate the address of the real property owned by the person in the political subdivision.* The county ~~auditor~~ voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county ~~auditor~~ voter registration office shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision.

(4) The petitions and remonstrances must be verified in the manner prescribed by the state board of accounts and filed with the county ~~auditor~~ voter registration office within the sixty (60) day period described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to requests for a petition and remonstrance process.

(5) *The county voter registration office shall determine whether each person who signed the petition or remonstrance is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the petition or remonstrance to the county auditor. Not more than ten (10) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county voter registration office a statement verifying:*

- (A) *whether a person who signed the petition or remonstrance as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the political subdivision; and*
- (B) *whether a person who signed the petition or remonstrance*



1 *as an owner of real property within the political subdivision*
 2 *does in fact own real property within the political subdivision.*

3 *(6) The county voter registration office shall not more than ten*
 4 *(10) business days after receiving the statement from the county*
 5 *auditor under subdivision (5) make the final determination of:*

6 *(A) the number of registered voters in the political subdivision*
 7 *that signed a petition and, based on the statement provided by*
 8 *the county auditor, the number of owners of real property*
 9 *within the political subdivision that signed a petition; and*

10 *(B) the number of registered voters in the political subdivision*
 11 *that signed a remonstrance and, based on the statement*
 12 *provided by the county auditor, the number of owners of real*
 13 *property within the political subdivision that signed a*
 14 *remonstrance.*

15 *Whenever the name of an individual who signs a petition or*
 16 *remonstrance as a registered voter contains a minor variation*
 17 *from the name of the registered voter as set forth in the records*
 18 *of the county voter registration office, the signature is presumed*
 19 *to be valid, and there is a presumption that the individual is*
 20 *entitled to sign the petition or remonstrance under this section.*
 21 *Except as otherwise provided in this chapter, in determining*
 22 *whether an individual is a registered voter, the county voter*
 23 *registration office shall apply the requirements and procedures*
 24 *used under IC 3 to determine whether a person is a registered*
 25 *voter for purposes of voting in an election governed by IC 3.*
 26 *However, an individual is not required to comply with the*
 27 *provisions concerning providing proof of identification to be*
 28 *considered a registered voter for purposes of this chapter. A*
 29 *person is entitled to sign a petition or remonstrance only one (1)*
 30 *time in a particular petition and remonstrance process under this*
 31 *chapter, regardless of whether the person owns more than one (1)*
 32 *parcel of real property within the subdivision and regardless of*
 33 *whether the person is both a registered voter in the political*
 34 *subdivision and the owner of real property within the political*
 35 *subdivision. Notwithstanding any other provision of this section,*
 36 *if a petition or remonstrance is presented to the county voter*
 37 *registration office within thirty-five (35) days before an election,*
 38 *the county voter registration office may defer acting on the*
 39 *petition or remonstrance, and the time requirements under this*
 40 *section for action by the county voter registration office do not*
 41 *begin to run until five (5) days after the date of the election.*

42 ~~(5)~~ (7) ~~The county auditor~~ voter registration office must file a
 43 certificate and the petition or remonstrance with the body of the
 44 political subdivision charged with issuing bonds or entering into
 45 leases within ~~fifteen (15)~~ thirty-five (35) business days of the
 46 filing of a petition or remonstrance under subdivision (4),



1 whichever applies, containing ten thousand (10,000) signatures or
 2 less. The county ~~auditor~~ *voter registration office* may take an
 3 additional five (5) days to review and certify the petition or
 4 remonstrance for each additional five thousand (5,000) signatures
 5 up to a maximum of sixty (60) days. The certificate must state the
 6 number of petitioners and remonstrators that are owners of real
 7 property *within the political subdivision and the number of*
 8 *petitioners who are registered voters residing* within the political
 9 subdivision.

10 ~~(6)~~ (8) If a greater number of *persons who are either* owners of
 11 real property *within the political subdivision or registered voters*
 12 *residing* within the political subdivision sign a remonstrance than
 13 the number that signed a petition, the bonds petitioned for may
 14 not be issued or the lease petitioned for may not be entered into.
 15 The proper officers of the political subdivision may not make a
 16 preliminary determination to issue bonds or enter into a lease for
 17 the controlled project defeated by the petition and remonstrance
 18 process under this section or any other controlled project that is
 19 not substantially different within one (1) year after the date of the
 20 county ~~auditor's~~ *voter registration office's* certificate under
 21 subdivision ~~(5)~~ (7). Withdrawal of a petition carries the same
 22 consequences as a defeat of the petition.

23 ~~(7)~~ (9) After a political subdivision has gone through the petition
 24 and remonstrance process set forth in this section, the political
 25 subdivision is not required to follow any other remonstrance or
 26 objection procedures under any other law (including section 5 of
 27 this chapter) relating to bonds or leases designed to protect
 28 owners of real property within the political subdivision from the
 29 imposition of property taxes to pay debt service or lease rentals.
 30 However, the political subdivision must still receive the approval
 31 of the department of local government finance *if* required by:

32 (A) IC 6-1.1-18.5-8; or

33 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

34 SECTION 37. IC 6-1.1-21-4, AS AMENDED BY P.L.234-2007,
 35 SECTION 297, AND AS AMENDED BY P.L.219-2007, SECTION
 36 62, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each year the department
 38 shall allocate from the property tax replacement fund an amount equal
 39 to the sum of:

40 (1) each county's total eligible property tax replacement amount
 41 for that year; plus

42 (2) the total amount of homestead tax credits that are provided
 43 under IC 6-1.1-20.9 and allowed by each county for that year;
 44 plus

45 (3) an amount for each county that has one (1) or more taxing
 46 districts that contain all or part of an economic development



1 district that meets the requirements of section 5.5 of this chapter.
 2 This amount is the sum of the amounts determined under the
 3 following STEPS for all taxing districts in the county that contain
 4 all or part of an economic development district:

5 STEP ONE: Determine that part of the sum of the amounts
 6 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
 7 attributable to the taxing district.

8 STEP TWO: Divide:

9 (A) that part of the subdivision (1) amount that is
 10 attributable to the taxing district; by

11 (B) the STEP ONE sum.

12 STEP THREE: Multiply:

13 (A) the STEP TWO quotient; times

14 (B) the taxes levied in the taxing district that are allocated to
 15 a special fund under IC 6-1.1-39-5.

16 (b) Except as provided in subsection (e), between March 1 and
 17 August 31 of each year, the department shall distribute to each county
 18 treasurer from the property tax replacement fund one-half (1/2) of the
 19 estimated distribution for that year for the county. Between September
 20 1 and December 15 of that year, the department shall distribute to each
 21 county treasurer from the property tax replacement fund the remaining
 22 one-half (1/2) of each estimated distribution for that year. The amount
 23 of the distribution for each of these periods shall be according to a
 24 schedule determined by the property tax replacement fund board under
 25 section 10 of this chapter. The estimated distribution for each county
 26 may be adjusted from time to time by the department to reflect any
 27 changes in the total county tax levy upon which the estimated
 28 distribution is based.

29 (c) On or before December 31 of each year or as soon thereafter as
 30 possible, the department shall make a final determination of the amount
 31 which should be distributed from the property tax replacement fund to
 32 each county for that calendar year. This determination shall be known
 33 as the final determination of distribution. The department shall
 34 distribute to the county treasurer or, *except as provided in section 9 of*
 35 *this chapter*, receive back from the county treasurer any deficit or
 36 excess, as the case may be, between the sum of the distributions made
 37 for that calendar year based on the estimated distribution and the final
 38 determination of distribution. The final determination of distribution
 39 shall be based on the auditor's abstract filed with the auditor of state,
 40 adjusted for postabstract adjustments included in the December
 41 settlement sheet for the year, and such additional information as the
 42 department may require.

43 (d) All distributions provided for in this section shall be made on
 44 warrants issued by the auditor of state drawn on the treasurer of state.
 45 If the amounts allocated by the department from the property tax
 46 replacement fund exceed in the aggregate the balance of money in the



fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (g) and subject to subsection (h), the department shall not distribute under subsection (b) and section 10 of this chapter a percentage, determined by the department, of the money that would otherwise be distributed to the county under subsection (b) and section 10 of this chapter if:

(1) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section;

(3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure ~~forms form data~~ under ~~IC 6-1.1-5.5-3(b)~~; IC 6-1.1-5.5-3(h);

(5) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(6) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(7) the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b);

(8) the county has not established a parcel index numbering system under 50 IAC 12-15-1 in a timely manner; or

(9) a township or county official has not provided other information to the department of local government finance in a timely manner as required by the department.

(f) Except as provided in subsection (i), money not distributed for the reasons stated in subsection (e) shall be distributed to the county



1 when the department of local government finance determines that the
2 failure to:

- 3 (1) provide information; or
- 4 (2) pay a bill for services;

5 has been corrected.

6 (g) The restrictions on distributions under subsection (e) do not
7 apply if the department of local government finance determines that the
8 failure to:

- 9 (1) provide information; or
- 10 (2) pay a bill for services;

11 in a timely manner is justified by unusual circumstances.

12 (h) The department shall give the county auditor at least thirty (30)
13 days notice in writing before withholding a distribution under
14 subsection (e).

15 (i) Money not distributed for the reason stated in subsection (e)(6)
16 may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money
17 deposited under this subsection is not subject to distribution under
18 subsection (f).

19 SECTION 38. IC 6-1.1-21-9, AS AMENDED BY P.L.234-2007,
20 SECTION 298, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) On or before October 15
22 of each year, each county auditor shall, make a settlement with the
23 department as to the aggregate amount of property tax replacement
24 credits extended to taxpayers in the auditor's county during the first
25 eight (8) months of that same year. On or before December 31 of each
26 year, each county auditor shall make a settlement with the department
27 along with the filing of the county auditor's December settlement as to
28 the aggregate amount of property tax replacement credits extended to
29 taxpayers in the auditor's county during the last four (4) months of that
30 same year. If the aggregate credits allowed during either period exceed
31 the property tax replacement funds allocated and distributed to the
32 county treasurer for that same period, as provided in sections 4 and 5
33 of this chapter, then the department shall certify the amount of the
34 excess to the auditor of state who shall issue a warrant, payable from
35 the property tax replacement fund, to the treasurer of the state ordering
36 the payment of the excess to the county treasurer. If the distribution
37 exceeds the aggregate credits, the county treasurer shall repay to the
38 treasurer of the state the amount of the excess, which shall be
39 redeposited in the property tax replacement fund.

40 (b) In making the settlement required by subsection (a), the county
41 auditor shall recognize the fact that any loss of revenue resulting from
42 the provision of homestead credits in excess of the percentage credit
43 allowed in IC 6-1.1-20.9-2(d) must be paid from county option income
44 revenues.

45 (c) Except as otherwise provided in this chapter, the state board of
46 accounts with the cooperation of the department shall prescribe the



1 accounting forms, records, and procedures required to carry out the
2 provisions of this chapter.

3 (d) Not later than November 15 of each year, the budget agency
4 shall determine whether the amount distributed to counties under
5 section 10 of this chapter for state property tax replacement credits and
6 state homestead credits is less than the amount available, as determined
7 by the budget agency, from the appropriation to the property tax
8 replacement board for distribution as state property tax replacement
9 credits and state homestead credits. If the amount distributed is less
10 than the available appropriation, the budget agency shall apportion the
11 excess among the counties in proportion to the final determination of
12 state property tax replacement credits and state homestead credits for
13 each county and certify the excess amount for each county to the
14 department and the department of local government finance. The
15 department shall distribute the certified additional amount for a county
16 to the county treasurer before December 15 of the year. Not later than
17 December 31 in the year, the county treasurer shall allocate the
18 certified additional amount among the taxing units in the county in
19 proportion to the part of the total county tax levy imposed by each
20 taxing unit. The taxing unit shall deposit the allocated amount in the
21 taxing unit's levy excess fund ~~under~~ established under IC 6-1.1-18.5-17
22 or IC 20-40-10. The allocated amount shall be treated in the same
23 manner as a levy excess (as defined in IC 6-1.1-18.5-17 and
24 IC 20-44-3-2) and shall be used only to reduce the part of the county
25 tax levy imposed by the taxing unit in the immediately following year.

26 SECTION 39. IC 6-1.1-42-30 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) Within
28 forty-five (45) days after receipt of the information described in section
29 29 of this chapter, the designating body may determine whether the
30 property owner has substantially complied with the statement of
31 benefits filed under sections 6 and 18 of this chapter.

32 (b) If the designating body determines that the property owner has
33 not substantially complied with the statement of benefits and that the
34 failure to substantially comply was not caused by factors beyond the
35 control of the property owner (such as declines in demand for the
36 property owner's products or services), the designating body shall mail
37 a written notice to the property owner. The written notice must include
38 the following provisions:

39 (1) An explanation of the reasons for the designating body's
40 determination.

41 (2) The date, time, and place of a hearing to be conducted by the
42 designating body for the purpose of further considering the
43 property owner's compliance with the statement of benefits. The
44 date of the hearing may not be more than thirty (30) days after the
45 date on which the notice is mailed.

46 If a notice mailed to a property owner concerns a statement of benefits



1 approved for personal property under section 24 of this chapter, the
 2 designating body shall also mail a copy of the notice to the department
 3 of local government finance.

4 (c) On the date specified in the notice described in subsection
 5 (b)(2), the designating body shall conduct a hearing for the purpose of
 6 further considering the property owner's compliance with the statement
 7 of benefits. Based on the information presented at the hearing by the
 8 property owner and other interested parties, the designating body shall
 9 again determine whether the property owner has made reasonable
 10 efforts to substantially comply with the statement of benefits and
 11 whether any failure to substantially comply was caused by factors
 12 beyond the control of the property owner. If the designating body
 13 determines that the property owner has not made reasonable efforts to
 14 comply with the statement of benefits, the designating body shall adopt
 15 a resolution terminating the property owner's deduction under section
 16 24 of this chapter. If the designating body adopts such a resolution, the
 17 deduction does not apply to the next installment of property taxes owed
 18 by the property owner or to any subsequent installment of property
 19 taxes.

20 (d) If the designating body adopts a resolution terminating a
 21 deduction under subsection (c), the designating body shall immediately
 22 mail a certified copy of the resolution to:

23 (1) the property owner;

24 (2) the county auditor; and

25 (3) the department of local government finance if the deduction
 26 was granted for personal property under section 24 of this chapter.

27 The county auditor shall remove the deduction from the tax duplicate
 28 and shall notify the county treasurer of the termination of the
 29 deduction. If the designating body's resolution is adopted after the
 30 county treasurer has mailed the statement required by ~~IC 6-1.1-22-8~~,
 31 **IC 6-1.1-22-8.1**, the county treasurer shall immediately mail the
 32 property owner a revised statement that reflects the termination of the
 33 deduction.

34 (e) A property owner whose deduction is terminated by the
 35 designating body under this section may appeal the designating body's
 36 decision by filing a complaint in the office of the clerk of the circuit or
 37 superior court together with a bond conditioned to pay the costs of the
 38 appeal if the appeal is determined against the property owner. An
 39 appeal under this subsection shall be promptly heard by the court
 40 without a jury and determined within thirty (30) days after the time of
 41 the filing of the appeal. The court shall hear evidence on the appeal and
 42 may confirm the action of the designating body or sustain the appeal.
 43 The judgment of the court is final and conclusive unless an appeal is
 44 taken as in other civil actions.

45 (f) If an appeal under subsection (e) is pending, the taxes resulting
 46 from the termination of the deduction are not due until after the appeal



1 is finally adjudicated and the termination of the deduction is finally
2 determined.

3 SECTION 40. IC 6-3-1-3.5, AS AMENDED BY P.L.144-2007,
4 SECTION 3, AS AMENDED BY P.L.211-2007, SECTION 19, AND
5 AS AMENDED BY P.L.223-2007, SECTION 1, IS CORRECTED
6 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
7 PASSAGE]: Sec. 3.5. When used in this article, the term "adjusted
8 gross income" shall mean the following:

9 (a) In the case of all individuals, "adjusted gross income" (as
10 defined in Section 62 of the Internal Revenue Code), modified as
11 follows:

12 (1) Subtract income that is exempt from taxation under this article
13 by the Constitution and statutes of the United States.

14 (2) Add an amount equal to any deduction or deductions allowed
15 or allowable pursuant to Section 62 of the Internal Revenue Code
16 for taxes based on or measured by income and levied at the state
17 level by any state of the United States.

18 (3) Subtract one thousand dollars (\$1,000), or in the case of a
19 joint return filed by a husband and wife, subtract for each spouse
20 one thousand dollars (\$1,000).

21 (4) Subtract one thousand dollars (\$1,000) for:

22 (A) each of the exemptions provided by Section 151(c) of the
23 Internal Revenue Code;

24 (B) each additional amount allowable under Section 63(f) of
25 the Internal Revenue Code; and

26 (C) the spouse of the taxpayer if a separate return is made by
27 the taxpayer and if the spouse, for the calendar year in which
28 the taxable year of the taxpayer begins, has no gross income
29 and is not the dependent of another taxpayer.

30 (5) Subtract:

31 (A) for taxable years beginning after December 31, 2004, one
32 thousand five hundred dollars (\$1,500) for each of the
33 exemptions allowed under Section 151(c)(1)(B) of the Internal
34 Revenue Code (as effective January 1, 2004); and

35 (B) five hundred dollars (\$500) for each additional amount
36 allowable under Section 63(f)(1) of the Internal Revenue Code
37 if the adjusted gross income of the taxpayer, or the taxpayer
38 and the taxpayer's spouse in the case of a joint return, is less
39 than forty thousand dollars (\$40,000).

40 This amount is in addition to the amount subtracted under
41 subdivision (4).

42 (6) Subtract an amount equal to the lesser of:

43 (A) that part of the individual's adjusted gross income (as
44 defined in Section 62 of the Internal Revenue Code) for that
45 taxable year that is subject to a tax that is imposed by a
46 political subdivision of another state and that is imposed on or



- 1 measured by income; or
- 2 (B) two thousand dollars (\$2,000).
- 3 (7) Add an amount equal to the total capital gain portion of a
- 4 lump sum distribution (as defined in Section 402(e)(4)(D) of the
- 5 Internal Revenue Code) if the lump sum distribution is received
- 6 by the individual during the taxable year and if the capital gain
- 7 portion of the distribution is taxed in the manner provided in
- 8 Section 402 of the Internal Revenue Code.
- 9 (8) Subtract any amounts included in federal adjusted gross
- 10 income under Section 111 of the Internal Revenue Code as a
- 11 recovery of items previously deducted as an itemized deduction
- 12 from adjusted gross income.
- 13 (9) Subtract any amounts included in federal adjusted gross
- 14 income under the Internal Revenue Code which amounts were
- 15 received by the individual as supplemental railroad retirement
- 16 annuities under 45 U.S.C. 231 and which are not deductible under
- 17 subdivision (1).
- 18 (10) Add an amount equal to the deduction allowed under Section
- 19 221 of the Internal Revenue Code for married couples filing joint
- 20 returns if the taxable year began before January 1, 1987.
- 21 (11) Add an amount equal to the interest excluded from federal
- 22 gross income by the individual for the taxable year under Section
- 23 128 of the Internal Revenue Code if the taxable year began before
- 24 January 1, 1985.
- 25 (12) Subtract an amount equal to the amount of federal Social
- 26 Security and Railroad Retirement benefits included in a taxpayer's
- 27 federal gross income by Section 86 of the Internal Revenue Code.
- 28 (13) In the case of a nonresident taxpayer or a resident taxpayer
- 29 residing in Indiana for a period of less than the taxpayer's entire
- 30 taxable year, the total amount of the deductions allowed pursuant
- 31 to subdivisions (3), (4), (5), and (6) shall be reduced to an amount
- 32 which bears the same ratio to the total as the taxpayer's income
- 33 taxable in Indiana bears to the taxpayer's total income.
- 34 (14) In the case of an individual who is a recipient of assistance
- 35 under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7,
- 36 subtract an amount equal to that portion of the individual's
- 37 adjusted gross income with respect to which the individual is not
- 38 allowed under federal law to retain an amount to pay state and
- 39 local income taxes.
- 40 (15) In the case of an eligible individual, subtract the amount of
- 41 a Holocaust victim's settlement payment included in the
- 42 individual's federal adjusted gross income.
- 43 (16) For taxable years beginning after December 31, 1999,
- 44 subtract an amount equal to the portion of any premiums paid
- 45 during the taxable year by the taxpayer for a qualified long term
- 46 care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the



taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

~~(23)~~ (24) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(b) In the case of corporations, the same as "taxable income" (as



defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to



shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

~~(10)~~ **(11)** *Subtract income that is:*

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:



(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.



(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) *Subtract income that is:*

(A) *exempt from taxation under IC 6-3-2-21.7; and*

(B) *included in the taxpayer's taxable income under the Internal Revenue Code.*

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date



and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 41. IC 6-3.5-7-5, AS AMENDED BY P.L.224-2007, SECTION 87, AND AS AMENDED BY P.L.232-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on *January 1* ~~March 31~~ of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on *January 1* ~~March 31~~ of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) *and section 28 of this chapter*, the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), ~~or~~ (w), ~~or~~ (x), **or** (y), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and



twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), (u), ~~or~~ (w), ~~or~~ (x), **or** (y), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after ~~January 1~~ *March 31* but before ~~April~~ *August* 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect ~~July~~ *October* 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are



in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900); except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed



at a rate of twenty-five hundredths percent (0.25%); and
 (2) the sum of the county economic development income tax rate
 and:

(A) the county adjusted gross income tax rate that are in effect
 on January 1 of a year may not exceed one and five-tenths
 percent (1.5%); or

(B) the county option income tax rate that are in effect on
 January 1 of a year may not exceed one and twenty-five
 hundredths percent (1.25%);

if the county council makes a determination to impose rates under this
 subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed
 at a rate that exceeds by not more than twenty-five hundredths
 percent (0.25%) the maximum rate that would otherwise apply
 under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income
 tax;

may be imposed at combined rates that exceed by not more than
 twenty-five hundredths percent (0.25%) the maximum combined
 rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not
 exceed the amount necessary to mitigate the increased ad valorem
 property taxes on homesteads (as defined in IC 6-1.1-20.9-1) or
 residential property (as defined in section 26 of this chapter), as
 appropriate under the ordinance adopted by the adopting body in the
 county, resulting from the deduction of the assessed value of inventory
 in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as
 authorized under subsection (p) at a rate that exceeds the maximum
 rate that would otherwise apply under this section, the certified
 distribution must be used for the purpose provided in section 25(e) or
 26 of this chapter to the extent that the certified distribution results
 from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this
 section.

(r) This subsection applies only to a county described in section 27
 of this chapter. Except as provided in subsection (p), in addition to the
 rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at
 a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county
 option income tax rate that are in effect on January 1 of a year



1 may equal up to one and twenty-five hundredths percent (1.25%);
 2 if the county council makes a determination to impose rates under this
 3 subsection and section 27 of this chapter.

4 (s) Except as provided in subsection (p), the county economic
 5 development income tax rate plus the county adjusted gross income tax
 6 rate that are in effect on January 1 of a year may not exceed one and
 7 five-tenths percent (1.5%) if the county has imposed the county
 8 adjusted gross income tax under IC 6-3.5-1.1-3.3.

9 (t) This subsection applies to Howard County. Except as provided
 10 in subsection (p), the sum of the county economic development income
 11 tax rate and the county option income tax rate that are in effect on
 12 January 1 of a year may not exceed one and twenty-five hundredths
 13 percent (1.25%).

14 (u) This subsection applies to Scott County. Except as provided in
 15 subsection (p), the sum of the county economic development income
 16 tax rate and the county option income tax rate that are in effect on
 17 January 1 of a year may not exceed one and twenty-five hundredths
 18 percent (1.25%).

19 (v) This subsection applies to Jasper County. Except as provided in
 20 subsection (p), the sum of the county economic development income
 21 tax rate and the county adjusted gross income tax rate that are in effect
 22 on January 1 of a year may not exceed one and five-tenths percent
 23 (1.5%).

24 (w) *An additional county economic development income tax rate*
 25 *imposed under section 28 of this chapter may not be considered in*
 26 *calculating any limit under this section on the sum of:*

27 (1) *the county economic development income tax rate plus the*
 28 *county adjusted gross income tax rate; or*

29 (2) *the county economic development tax rate plus the county*
 30 *option income tax rate.*

31 ~~(w)~~ (x) *The income tax rate limits imposed by subsection (c) or (x)*
 32 *or any other provision of this chapter do not apply to:*

33 (1) *a county adjusted gross income tax rate imposed under*
 34 *IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or*

35 (2) *a county option income tax rate imposed under IC 6-3.5-6-30,*
 36 *IC 6-3.5-6-31, or IC 6-3.5-6-32.*

37 *For purposes of computing the maximum combined income tax rate*
 38 *under subsection (c) or ~~(x)~~ (y) or any other provision of this chapter*
 39 *that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and*
 40 *this chapter, a county's county adjusted gross income tax rate or*
 41 *county option income tax rate for a particular year does not include*
 42 *the county adjusted gross income tax rate imposed under*
 43 *IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county*
 44 *option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or*
 45 *IC 6-3.5-6-32.*

46 ~~(x)~~ (y) *This subsection applies to Monroe County. Except as*



provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

SECTION 42. IC 6-9-39-5, AS ADDED BY P.L.162-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The fiscal body of a county may collect a county option dog tax imposed under section 3 of this chapter by any combination of the following methods:

(1) By designating one (1) or more persons in the county to collect the tax.

(2) By requiring a person who harbors or keeps a taxable dog to submit a complete and accurate county option dog tax return.

(3) By a method other than a method described in subdivision (1) or (2) as determined by the fiscal body of the county.

(b) A designee under subsection (a)(1) may retain a fee from the tax collected for each taxable dog in an amount determined by the fiscal body not to exceed seventy-five cents (\$0.75). A designee shall remit the balance of the money collected to the county treasurer by the tenth day of each month.

(c) If a fiscal body chooses to collect a county option dog tax imposed under section 3 of this chapter by requiring the submission of a county option dog tax return under subsection (a), the county treasurer may include a county option dog tax return form with every property tax statement that is mailed to a person under ~~IC 6-1.1-22-8(a)(1)~~. **IC 6-1.1-22-8.1(b)(1)**.

(d) The department of local government finance shall prescribe a county option dog tax return form that a county may use for the reporting of county option dog tax liability.

SECTION 43. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in; alcoholic beverages.

(2) A person at least eighteen (18) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic



1 beverages in the course of the person's employment.

2 (3) A person **who is** at least nineteen (19) years of age but less
 3 than twenty-one (21) years of age ~~who: and (A) who~~ has
 4 successfully completed an alcohol server training program
 5 certified under IC 7.1-3-1.5 ~~and (B) serves from serving~~
 6 alcoholic beverages in a dining area or family room of a
 7 restaurant or hotel:

8 (i) ~~(A)~~ in the course of a person's employment as a waiter,
 9 waitress, or server; and

10 (ii) ~~(B)~~ under the supervision of a person who:

11 (i) is at least twenty-one (21) years of age;

12 (ii) is present at the restaurant or hotel, and

13 (iii) has successfully completed an alcohol server training
 14 program certified under IC 7.1-3-1.5 by the commission.

15 This subdivision does not allow a person at least nineteen (19)
 16 years of age but less than twenty-one (21) years of age to be a
 17 bartender.

18 SECTION 44. IC 8-1-17-18.1 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 18.1. (a) Any two (2) or more**
 21 **cooperative corporations created under this chapter and operating**
 22 **or authorized to operate in contiguous territory may enter into an**
 23 **agreement for the consolidation of such cooperative corporations,**
 24 **which agreement shall be submitted for the approval of the**
 25 **commission in the manner provided for in section 5 of this chapter.**
 26 **The agreement must set forth the terms and conditions of the**
 27 **consolidation, the name of the proposed consolidated cooperative**
 28 **corporation, the number of its directors, not less than three (3), the**
 29 **time of the annual election, and the names of the persons, not less**
 30 **than three (3), to be directors until the first annual meeting. Each**
 31 **such cooperative corporation shall call and hold a meeting of its**
 32 **members, as provided in section 9 of this chapter, at which the**
 33 **proposal of the consolidation shall be presented. If at each such**
 34 **meeting, the agreement is approved by a resolution adopted by and**
 35 **receiving the affirmative vote of at least three-fourths (3/4) of the**
 36 **members of the respective cooperative corporation, who attend**
 37 **such meeting, the directors named in the agreement shall subscribe**
 38 **and acknowledge articles conforming substantially to the original**
 39 **articles of incorporation, except that it shall be entitled and**
 40 **endorsed "Articles of Consolidation of _____" (the blank**
 41 **space being filled in with the names of the cooperative corporations**
 42 **being consolidated) and must state:**

43 (1) the names of the cooperative corporations being
 44 consolidated;

45 (2) the name of the consolidated cooperative corporation;

46 (3) a statement that each consolidating cooperative



corporation agrees to the consolidation;

(4) the names and addresses of the directors of the new cooperative corporation; and

(5) the terms and conditions of the consolidation and the mode of carrying the same into effect, including the manner in which members of the consolidating cooperative corporations may or shall become members of the new cooperative corporation; and may contain any provisions not inconsistent with this chapter considered necessary or advisable for the conduct of the business of the new cooperative corporation.

(b) If the commission approves the articles of consolidation, the articles of consolidation or a certified copy or copies thereof shall be filed, together with the attached copy of the order of the commission, in the same place as original articles of incorporation and thereupon the proposed consolidated cooperative corporation, under its designated name shall be and constitute a body corporate with all the powers of a cooperative corporation as originally formed under this chapter. If the commission does not approve the the articles of consolidation, permission for the consolidation shall be denied by the commission.

(c) This section expires June 30, 2009.

SECTION 45. IC 8-1-17-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.2. (a) Any two (2) or more cooperative corporations created under this chapter and operating or authorized to operate in contiguous territory may enter into an agreement for the consolidation of the cooperative corporations, which agreement shall be submitted for the review of the commission in the manner provided for in section 5 of this chapter. The agreement must set forth the terms and conditions of the consolidation, the name of the proposed consolidated cooperative corporation, the number of its directors, not less than three (3), the time of the annual election, and the names of the persons, not less than three (3), to be directors until the first annual meeting. Each cooperative corporation participating in the consolidation shall call and hold a meeting of its members as provided in section 9 of this chapter, at which the proposal of the consolidation shall be presented. If at each meeting, the consolidation agreement is approved by a resolution duly adopted and receiving the affirmative vote of at least three-fourths (3/4) of the members who attend each meeting, the directors named in the agreement shall subscribe and acknowledge articles conforming substantially to the original articles of incorporation. The new articles shall be entitled and endorsed "Articles of Consolidation of _____" (the blank space being filled in with the names of the cooperative corporations being consolidated) and must state:



- (1) the names of the cooperative corporations being consolidated;
- (2) the name of the consolidated cooperative corporation;
- (3) a statement that each consolidating cooperative corporation agrees to the consolidation;
- (4) the names and addresses of the directors of the new cooperative corporation; and
- (5) the terms and conditions of the consolidation and the mode of carrying the consolidation into effect, including the manner in which members of the consolidating cooperative corporations may or shall become members of the new cooperative corporation.

The new articles of incorporation may contain any provisions not inconsistent with this chapter that are necessary or advisable for the conduct of the business of the new cooperative corporation.

(b) After the commission approves the articles of consolidation under section 5 of this chapter, the articles of consolidation or a certified copy or copies of the articles shall be filed, together with the attached copy of the order of the commission under section 5(e)(2) of this chapter, in the same place as the original articles of incorporation. Upon the filings required under section 5(g) of this chapter, the proposed consolidated cooperative corporation, under its designated name, is a body corporate with all the powers of a cooperative corporation as originally formed under this chapter.

SECTION 46. IC 8-3-1-21.1, AS AMENDED BY P.L.229-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.1. (a) Upon receiving notice of intent to abandon railroad rights-of-way from any railroad company, the department shall, upon receipt, notify:

- (1) the county executives, county surveyors, and cities and towns of the counties affected;
- (2) the Indiana economic development corporation;
- (3) the office of tourism development; and
- (4) the department of natural resources;

of the notice.

(b) Within one (1) year of a final decision of the Interstate Commerce Commission permitting an abandonment of a railroad right-of-way, the railroad shall remove any crossing control device, railroad insignia, and rails on that part of the right-of-way that serves as a public highway and reconstruct that part of the highway so that it conforms to the standards of the contiguous roadway. The Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

- (1) adopts construction specifications for the project; and
- (2) enters into an agreement with the railroad concerning the



project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be paid by the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing.

(c) If a railroad fails to comply with subsection (b), the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing may proceed with the removal and reconstruction work. The cost of the removal and reconstruction shall be documented by the agency performing the work and charged to the railroad. Work by the agency may not proceed until at least sixty (60) days after the railroad is notified in writing of the agency's intention to undertake the work.

(d) This section does not apply to an abandoned railroad right-of-way on which service is to be reinstated or continued.

(e) As used in this section, "crossing control device" means any traffic control device installed by the railroad and described in the National Railroad Association's manual, Train Operations, Control and Signals Committee, Railroad-Highway Grade-Crossing Protection, Bulletin No. 7, as an appropriate traffic control device.

(f) Costs not paid by a railroad under subsection (b) may be added to the railroad's property tax statement of current and delinquent taxes and special assessments under ~~IC 6-1.1-22-8~~ **IC 6-1.1-22-8.1**.

(g) Whenever the Indiana department of transportation notifies the department of natural resources that a railroad intends to abandon a railroad right-of-way under this section, the department of natural resources shall make a study of the feasibility of converting the right-of-way for recreational purposes. The study must be completed within ninety (90) days after receiving the notice from the Indiana department of transportation. If the department of natural resources finds that recreational use is feasible, the department of natural resources shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes.

SECTION 47. IC 8-3-1-21.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.3. (a) When a public street or highway intersects with a railroad right-of-way that is not owned by a railroad, the public agency with jurisdiction over the street or highway may:

- (1) remove any crossing control devices;
- (2) remove railroad insignia, rails, or ties; or
- (3) reconstruct the highway so that it conforms with the standards of the intersecting street or highway.

(b) The public agency may not proceed under subsection (a) until the owner of the railroad right-of-way is given written notice of the agency's intention to undertake the work.



(c) The cost of the work shall be documented and charged to the owner, and if not paid by the owner, the cost may be added to the owner's property tax statement of current and delinquent taxes and special assessments under ~~IC 6-1.1-22-8~~ **IC 6-1.1-22-8.1**.

SECTION 48. IC 9-18-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must register all motor vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
- (2) will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

- (1) the Indiana resident is:
 - (A) an active member of the armed forces of the United States; and
 - (B) assigned to a duty station outside Indiana; and
- (2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

- (1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and
- (2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required



to register the motor vehicle during a registration year described in subsection (f). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 49. IC 9-20-6-2, AS AMENDED BY P.L.134-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana department of transportation or local authority that:

(1) has jurisdiction over a highway or street; and

(2) is responsible for the repair and maintenance of the highway or street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting heavy vehicles and loads or other objects not conforming to this article, including a vehicle transporting an ocean going container, if the department or authority finds that other traffic will not be seriously affected and the highway or bridge will not be seriously damaged. ~~However,~~

(b) The permit **granted under subsection (a)** must authorize the operation of a tractor-semitrailer and load that:

(1) exceeds the maximum length limitation under this chapter; and

(2) is subject to regulation under this chapter;

from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

~~(b)~~ **(c)** A permit may be issued under this section for the following:

(1) A single trip.

(2) A definite time not exceeding thirty (30) days.

(3) A ninety (90) day period.

(4) A one (1) year period.

~~(c)~~ **(d)** This subsection applies to the transportation of ocean going containers that:

(1) have been sealed at the place of origin and have not been opened except by an agent of the federal government that may inspect the contents;

(2) originated outside the United States; and

(3) ~~is~~ **are** being transported to or from a distribution facility.

The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed ninety thousand (90,000) pounds. A permit issued under this section must be issued on an annual basis. A permit issued under this subsection may not impose a limit on the number of movements generated by the applicant or operator of a vehicle granted a permit under this subsection.

SECTION 50. IC 9-24-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) An



operator's license or a learner's permit may not be issued to an individual who is under an order entered by a court under ~~IC 35-43-1-2(d)~~. **IC 35-43-1-2(c).**

(b) The bureau shall suspend the operator's license or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 51. IC 9-24-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in ~~section 6~~ **section 5** of this chapter.

SECTION 52. IC 9-24-12-3, AS AMENDED BY P.L.206-2007, SECTION 2, AND AS AMENDED BY P.L.184-2007, SECTION 41, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as provided in ~~section~~ *sections 11 and 12* of this chapter, a public passenger chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs ~~two (2)~~ *four (4)* years following the date of issuance.

SECTION 53. IC 9-29-5-2, AS AMENDED BY P.L.234-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The fee for the registration of a motorcycle is twenty-seven dollars (\$27). The revenue from this fee shall be allocated as follows:

- (1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.
- (2) An amount prescribed as a license branch service charge under IC 9-29-3.
- (3) Ten dollars (\$10) to the spinal cord and brain injury fund ~~under IC 16-41-42-4~~. **established by IC 16-14-42.2-3.**
- (4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 54. IC 10-13-3-39, AS AMENDED BY P.L.138-2007, SECTION 2, AND AS AMENDED BY P.L.197-2007, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following



persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(3) *A person for whom a national criminal history background check is required under any law relating to the licensing of a home, center, or other facility for purposes of day care or residential care of children.*

(4) *A person for whom a national criminal history background check is required for purposes of placement of a child in a foster family home, a prospective adoptive home, or the home of a relative or other caretaker, or for purposes of a report concerning an adoption as required by IC 31-19-8.*

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check. ~~for convictions described in IC 20-26-5-11.~~ The department shall respond to the request in conformity with:

(1) the requirements of 42 U.S.C. 5119a; and

(2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.

(e) ~~This Subsection (f):~~

(1) applies to a qualified entity that:

(A) is not a school corporation or a special education cooperative; or ~~that~~

(B) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer; and

(2) does not apply to a qualified entity that is a:

(A) home health agency licensed under IC 16-27-1; or

(B) personal services agency licensed under IC 16-27-4.

(f) After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the ~~applicant~~ *person who is the subject of a request* has been convicted of:

(1) an offense described in IC 20-26-5-11;

(2) in the case of a foster family home, an offense described in



1 *IC 31-27-4-13(a);*

2 *(3) in the case of a prospective adoptive home, an offense*
 3 *described in IC 31-19-11-1(c);*

4 *(4) any other felony; or*

5 *(5) any misdemeanor;*

6 and convey the determination to the requesting qualified entity.

7 ~~(f)~~ **(g)** This subsection applies to a qualified entity that:

8 (1) is a school corporation or a special education cooperative; and

9 (2) seeks a national criminal history background check to
 10 determine whether to employ or continue the employment of a
 11 certificated employee or a noncertificated employee of a school
 12 corporation or an equivalent position with a special education
 13 cooperative.

14 After receiving the results of a national criminal history background
 15 check from the Federal Bureau of Investigation, the department may
 16 exchange identification records concerning convictions for offenses
 17 described in IC 20-26-5-11 with the school corporation or special
 18 education cooperative solely for purposes of making an employment
 19 determination. The exchange may be made only for the official use of
 20 the officials with authority to make the employment determination. The
 21 exchange is subject to the restrictions on dissemination imposed under
 22 P.L.92-544, (86 Stat. 1115) (1972).

23 ~~(g)~~ **(h)** This subsection applies to a qualified entity (as defined in
 24 IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After
 25 receiving the results of a national criminal history background check
 26 from the Federal Bureau of Investigation, the department shall provide
 27 a copy to the public agency. Except as permitted by federal law, the
 28 public agency may not share the information contained in the national
 29 criminal history background check with a private agency.

30 ~~(h)~~ **(i)** This subsection applies to a qualified entity that is a:

31 (1) home health agency licensed under IC 16-27-1; or

32 (2) personal services agency licensed under IC 16-27-4.

33 After receiving the results of a national criminal history background
 34 check from the Federal Bureau of Investigation, the department shall
 35 make a determination whether the applicant has been convicted of an
 36 offense described in IC 16-27-2-5(a) and convey the determination to
 37 the requesting qualified entity.

38 SECTION 55. IC 10-17-12-8, AS AMENDED BY P.L.144-2007,
 39 SECTION 12, AND AS AMENDED BY P.L.151-2007, SECTION 2,
 40 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The military family relief
 42 fund is established *beginning January 1, 2007*, to provide assistance
 43 with food, housing, utilities, medical services, basic transportation,
 44 *child care*, and other essential family support expenses that have
 45 become difficult to afford for families of Indiana residents who are:

46 (1) members of:



- 1 (A) a reserve component of the armed forces; or
- 2 (B) the national guard; and
- 3 (2) called to active duty after September 11, 2001.

4 (b) The *department board* shall expend the money in the fund
 5 exclusively to provide grants for assistance as described in subsection
 6 (a).

7 (c) The *director board* shall administer the fund.

8 SECTION 56. IC 11-10-11.5-11 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. While assigned
 10 to a community transition program, a person must comply with:

11 (1) the rules concerning the conduct of persons in the community
 12 transition program, including rules related to payments described
 13 in ~~sections~~ **section 12 and 13** of this chapter, that are adopted by
 14 the community corrections advisory board establishing the
 15 program or, in counties that are not served by a community
 16 corrections program, that are jointly adopted by the courts in the
 17 county with felony jurisdiction; and

18 (2) any conditions established by the sentencing court for the
 19 person.

20 SECTION 57. IC 12-15-15-9.5, AS AMENDED BY P.L.212-2007,
 21 SECTION 5, AND AS AMENDED BY P.L.218-2007, SECTION 15,
 22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 23 PASSAGE]: Sec. 9.5. (a) For purposes of this section and
 24 IC 12-16-7.5-4.5, a payable claim is attributed to a county if the
 25 payable claim is submitted to the division by a hospital licensed under
 26 IC 16-21-2 for payment under IC 12-16-7.5 for care provided by the
 27 hospital to an individual who qualifies for the hospital care for the
 28 indigent program under IC 12-16-3.5-1 or IC 12-16-3.5-2 and;

29 (1) who is a resident of the county;

30 (2) who is not a resident of the county and for whom the onset of
 31 the medical condition that necessitated the care occurred in the
 32 county; or

33 (3) whose residence cannot be determined by the division and for
 34 whom the onset of the medical condition that necessitated the care
 35 occurred in the county.

36 (b) For each state fiscal year ending after June 30, 2003, but before
 37 July 1, 2007, a hospital licensed under IC 16-21-2:

38 (1) that submits to the division during the state fiscal year a
 39 payable claim under IC 12-16-7.5; and

40 (2) whose payment under section 9(c) of this chapter was less
 41 than the total amount of the hospital's payable claims under
 42 IC 12-16-7.5 submitted by the hospital to the division during the
 43 state fiscal year;

44 is entitled to a payment under subsection (c).

45 (c) ~~Except as provided in section 9-8 of this chapter and~~ Subject to
 46 section 9.6 of this chapter, for a state fiscal year, the office shall pay to



1 a hospital referred to in subsection (b) an amount equal to the amount,
 2 based on information obtained from the division and the calculations
 3 and allocations made under IC 12-16-7.5-4.5, that the office determines
 4 for the hospital under STEP EIGHT of the following STEPS:

5 STEP ONE: Identify each county whose transfer of funds to the
 6 Medicaid indigent care trust fund under IC 12-16-7.5-4.5 for the
 7 state fiscal year was less than the total amount of all hospital
 8 payable claims attributed to the county and submitted to the
 9 division during the state fiscal year.

10 STEP TWO: For each county identified in STEP ONE, calculate
 11 the difference between the amount of funds of the county
 12 transferred to the Medicaid indigent care trust fund under
 13 IC 12-16-7.5-4.5 and the total amount of all hospital payable
 14 claims attributed to the county and submitted to the division
 15 during the state fiscal year.

16 STEP THREE: Calculate the sum of the amounts calculated for
 17 the counties under STEP TWO.

18 STEP FOUR: Identify each hospital whose payment under section
 19 9(c) of this chapter was less than the total amount of the hospital's
 20 payable claims under IC 12-16-7.5 submitted by the hospital to
 21 the division during the state fiscal year.

22 STEP FIVE: Calculate for each hospital identified in STEP FOUR
 23 the difference between the hospital's payment under section 9(c)
 24 of this chapter and the total amount of the hospital's payable
 25 claims under IC 12-16-7.5 submitted by the hospital to the
 26 division during the state fiscal year.

27 STEP SIX: Calculate the sum of the amounts calculated for each
 28 of the hospitals under STEP FIVE.

29 STEP SEVEN: For each hospital identified in STEP FOUR,
 30 calculate the hospital's percentage share of the amount calculated
 31 under STEP SIX. Each hospital's percentage share is based on the
 32 amount calculated for the hospital under STEP FIVE calculated
 33 as a percentage of the sum calculated under STEP SIX.

34 STEP EIGHT: For each hospital identified in STEP FOUR,
 35 multiply the hospital's percentage share calculated under STEP
 36 SEVEN by the sum calculated under STEP THREE. The amount
 37 calculated under this STEP for a hospital may not exceed the
 38 amount by which the hospital's total payable claims under
 39 IC 12-16-7.5 submitted during the state fiscal year exceeded the
 40 amount of the hospital's payment under section 9(c) of this
 41 chapter.

42 (d) For state fiscal years beginning after June 30, 2007, a hospital
 43 that received a payment determined under STEP EIGHT of subsection
 44 (c) for the state fiscal year ending June 30, 2007, shall be paid an
 45 amount equal to the amount determined for the hospital under STEP
 46 EIGHT of subsection (c) for the state fiscal year ending June 30, 2007.



(e) A hospital's payment under subsection (c) or (d) is in the form of a Medicaid supplemental payment. The amount of the hospital's add-on payment is subject to the availability of funding for the non-federal share of the payment under subsection (f). The office shall make the payments under subsection (c) or (d) before December 15 that next succeeds the end of the state fiscal year.

(f) The nonfederal share of a payment to a hospital under subsection (c) or (d) is derived from funds transferred to the Medicaid indigent care trust fund under IC 12-16-7.5-4.5 and not expended under section 9 of this chapter.

(g) Except as provided in subsection (h), the office may not make a payment under this section until the payments due under section 9 of this chapter for the state fiscal year have been made.

(h) If a hospital appeals a decision by the office regarding the hospital's payment under section 9 of this chapter, the office may make payments under this section before all payments due under section 9 of this chapter are made if:

(1) a delay in one (1) or more payments under section 9 of this chapter resulted from the appeal; and

(2) the office determines that making payments under this section while the appeal is pending will not unreasonably affect the interests of hospitals eligible for a payment under this section.

(i) Any funds transferred to the Medicaid indigent care trust fund under IC 12-16-7.5-4.5 remaining after payments are made under this section shall be used as provided in IC 12-15-20-2(8).

(j) For purposes of subsection (c):

(1) "payable claim" has the meaning set forth in IC 12-16-7.5-2.5(b);

(2) the amount of a payable claim is an amount equal to the amount the hospital would have received under the state's fee-for-service Medicaid reimbursement principles for the hospital care for which the payable claim is submitted under IC 12-16-7.5 if the individual receiving the hospital care had been a Medicaid enrollee; and

(3) a payable hospital claim under IC 12-16-7.5 includes a payable claim under IC 12-16-7.5 for the hospital's care submitted by an individual or entity other than the hospital, to the extent permitted under the hospital care for the indigent program.

SECTION 58. IC 12-15-29-2, AS AMENDED BY P.L.187-2007, SECTION 4, AND AS AMENDED BY P.L.234-2007, SECTION 209, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Subject to subsection (b), an insurer shall furnish records or information pertaining to the coverage of an individual for the individual's medical costs under an individual or a group policy or other obligation, or the medical benefits paid or claims made under a policy or an obligation, if the office *or its*



1 *agent* does the following:

2 (1) Requests the information electronically or by United States
3 mail.

4 (2) Certifies that the individual is:

5 (A) a Medicaid applicant or recipient; or

6 (B) a person who is legally responsible for the applicant or
7 recipient.

8 (b) The office may request only the records or information necessary
9 to determine whether insurance benefits have been or should have been
10 claimed and paid with respect to items of medical care and services
11 that were received by a particular individual and for which Medicaid
12 coverage would otherwise be available.

13 SECTION 59. IC 12-15-35-30 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. The criteria and
15 standards developed under ~~section 28(3)~~ **section 28(a)(3)** of this
16 chapter for appropriate prescribing that are implemented must reflect
17 the local practices of physicians to monitor the following:

18 (1) Therapeutic appropriateness.

19 (2) Overutilization or underutilization.

20 (3) Therapeutic duplication.

21 (4) Drug-disease contraindications.

22 (5) Drug-drug interactions.

23 (6) Incorrect drug dosage or duration of drug treatment.

24 (7) Clinical abuse and misuse.

25 SECTION 60. IC 12-15-35-31 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) An
27 intervention developed under ~~section 28(4)~~ **section 28(a)(4)** of this
28 chapter that involves a physician must be approved by at least three (3)
29 of the four (4) physician members of the board before implementation.

30 (b) An intervention that involves a pharmacist must be approved by
31 at least three (3) of the four (4) pharmacist members of the board
32 before implementation.

33 (c) Interventions include the following:

34 (1) Information disseminated to physicians and pharmacists to
35 ensure that physicians and pharmacists are aware of the board's
36 duties and powers.

37 (2) Written, oral, or electronic reminders of recipient-specific or
38 drug-specific information that are designed to ensure recipient,
39 physician, and pharmacist confidentiality, and suggested changes
40 in the prescribing or dispensing practices designed to improve the
41 quality of care.

42 (3) Use of face-to-face discussions between experts in drug
43 therapy and the prescriber or pharmacist who has been targeted
44 for educational intervention.

45 (4) Intensified reviews or monitoring of selected prescribers or
46 pharmacists.



(5) The creation of an educational program using data provided through DUR to provide for active and ongoing educational outreach programs to improve prescribing and dispensing practices.

(6) The timely evaluation of interventions to determine if the interventions have improved the quality of care.

(7) The review of case profiles before the conducting of an intervention.

SECTION 61. IC 12-15-44.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 44.1. Coordination of Benefits Study

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103.

Sec. 2. (a) Before January 1, 2008, the office shall do the following:

(1) Examine all Medicaid claims paid after January 1, 2001, and before July 1, 2007.

(2) Determine the claims examined under subdivision (1) that were eligible for payment by a third party other than Medicaid.

(3) Recover the costs associated with the claims determined under subdivision (2) to be eligible for payment by a third party other than Medicaid.

(b) If the office requests a covered entity to furnish information to complete the examination required by this section, the covered entity shall furnish the requested information to the office.

Sec. 3. (a) The office is authorized to transmit the minimum human identifiers in ANSI X.12 270 inquiries, including the name, gender, and date of birth of a Medicaid recipient, to a covered entity licensed or registered to provide health insurance or health care coverage to Indiana residents for the purpose of establishing the coverage in force of a Medicaid recipient who presents a claim.

(b) A health plan that receives a message described in subsection (a) from the office or its agent shall respond to the office or its agent within twenty-four (24) hours.

(c) An entity licensed or registered to provide health insurance or health care coverage to Indiana residents that refuses an ANSI X. 12 270 message described in subsection (a) that was transmitted to the entity by the office or its agent is subject to a fine for each refusal in an amount not to exceed one thousand dollars (\$1,000) for each refusal.

(d) The office may impose the fine described in subsection (c).

Sec. 4. The office, any medical provider wishing to bill Indiana Medicaid, or any health plan has a cause of action for injunctive relief against any health plan that fails to comply with this chapter.



1 A plaintiff seeking relief under this section may recover costs of
2 litigation, including attorney's fees.

3 **Sec. 5.** If the office or its agent furnishes evidence that a health
4 plan has refused or failed to respond to messages described in
5 section 3(a) of this chapter transmitted by the office or its agent to
6 the health plan, the attorney general shall:

7 (1) subpoena the enrollment data of any entity that refuses or
8 fails to respond to the messaging described in section 3(a) of
9 this chapter;

10 (2) commence a complaint under 42 U.S.C. 1320d-5 for
11 administrative sanctions under the Health Insurance
12 Portability and Accountability Act of 1996 (P.L. 104-191); and

13 (3) commence a prosecution under U.S.C. 1035 or IC 5-11-5.5
14 of any entity that refuses or fails to respond to the messaging
15 described under section 3(a) of this chapter.

16 **Sec. 6. (a)** If, after the office completes its examination under
17 section 2 of this chapter, the office determines that the number of
18 claims determined under section 2(a)(2) of this chapter is at least
19 one percent (1%) of the number of claims examined under section
20 2(a)(1) of this chapter, the office shall develop and implement a
21 procedure to improve the coordination of benefits between:

22 (1) the Medicaid program; and

23 (2) entities that provide health coverage to a Medicaid
24 recipient.

25 (b) If a procedure is developed and implemented under
26 subsection (a), the procedure:

27 (1) must be automated; and

28 (2) must have the capability to determine whether a Medicaid
29 claim is eligible for payment by an entity other than the
30 Medicaid program before the claim is paid under the
31 Medicaid program.

32 SECTION 62. IC 12-15-44.2 IS ADDED TO THE INDIANA
33 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]:

35 **Chapter 44.2. Indiana Check-Up Plan**

36 **Sec. 1.** As used in this chapter, "plan" refers to the Indiana
37 check-up plan established by section 3 of this chapter.

38 **Sec. 2.** As used in this chapter, "preventative care services"
39 means care that is provided to an individual to prevent disease,
40 diagnose disease, or promote good health.

41 **Sec. 3. (a)** The Indiana check-up plan is established.

42 (b) The office shall administer the plan.

43 (c) The department of insurance and the office of the secretary
44 shall provide oversight of the marketing practices of the plan.

45 (d) The office shall promote the plan and provide information
46 to potential eligible individuals who live in medically underserved



1 rural areas of Indiana.

2 (e) The office shall, to the extent possible, ensure that enrollment
3 in the plan is distributed throughout Indiana in proportion to the
4 number of individuals throughout Indiana who are eligible for
5 participation in the plan.

6 (f) The office shall establish standards for consumer protection,
7 including the following:

8 (1) Quality of care standards.

9 (2) A uniform process for participant grievances and appeals.

10 (3) Standardized reporting concerning provider performance,
11 consumer experience, and cost.

12 (g) A health care provider that provides care to an individual
13 who receives health insurance coverage under the plan shall
14 participate in the Medicaid program under IC 12-15.

15 (h) The office of the secretary may refer an individual who:

16 (1) has applied for health insurance coverage under the plan;
17 and

18 (2) is at high risk of chronic disease;

19 to the Indiana comprehensive health insurance association for
20 administration of the individual's plan benefits under IC 27-8-10.1.

21 (i) The following do not apply to the plan:

22 (1) IC 12-15-6.

23 (2) IC 12-15-12.

24 (3) IC 12-15-13.

25 (4) IC 12-15-14.

26 (5) IC 12-15-15.

27 (6) IC 12-15-21.

28 (7) IC 12-15-26.

29 (8) IC 12-15-31.1.

30 (9) IC 12-15-34.

31 (10) IC 12-15-35.

32 (11) IC 12-15-35.5.

33 (12) IC 16-42-22-10.

34 Sec. 4. (a) The plan must include the following in a manner and
35 to the extent determined by the office:

36 (1) Mental health care services.

37 (2) Inpatient hospital services.

38 (3) Prescription drug coverage.

39 (4) Emergency room services.

40 (5) Physician office services.

41 (6) Diagnostic services.

42 (7) Outpatient services, including therapy services.

43 (8) Comprehensive disease management.

44 (9) Home health services, including case management.

45 (10) Urgent care center services.

46 (11) Preventative care services.



(12) Family planning services:

(A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and

(B) not including abortion or abortifacients.

(13) Hospice services.

(14) Substance abuse services.

(b) The plan must do the following:

(1) Offer coverage for dental and vision services to an individual who participates in the plan.

(2) Pay at least fifty percent (50%) of the premium cost of dental and vision services coverage described in subdivision

(1).

(c) An individual who receives the dental or vision coverage offered under subsection (b) shall pay an amount determined by the office for the coverage. The office shall limit the payment to not more than five percent (5%) of the individual's annual household income. The payment required under this subsection is in addition to the payment required under section 11(b)(2) of this chapter for coverage under the plan.

(d) Vision services offered by the plan must include services provided by an optometrist.

(e) The plan must comply with any coverage requirements that apply to an accident and sickness insurance policy issued in Indiana.

(f) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

Sec. 5. (a) The office shall provide to an individual who participates in the plan a list of health care services that qualify as preventative care services for the age, gender, and preexisting conditions of the individual. The office shall consult with the federal Centers for Disease Control and Prevention for a list of recommended preventative care services.

(b) The plan shall, at no cost to the individual, provide payment for not more than five hundred dollars (\$500) of qualifying preventative care services per year for an individual who participates in the plan. Any additional preventative care services covered under the plan and received by the individual during the year are subject to the deductible and payment requirements of the plan.

Sec. 6. The plan has the following per participant coverage limitations:

(1) An annual individual maximum coverage limitation of



1 three hundred thousand dollars (\$300,000).

2 (2) A lifetime individual maximum coverage limitation of one
3 million dollars (\$1,000,000).

4 **Sec. 7. The following requirements apply to funds appropriated**
5 **by the general assembly to the plan:**

6 (1) At least eighty-five percent (85%) of the funds must be
7 used to fund payment for health care services.

8 (2) An amount determined by the office of the secretary to
9 fund:

10 (A) administrative costs of; and

11 (B) any profit made by;

12 an insurer or a health maintenance organization under a
13 contract with the office to provide health insurance coverage
14 under the plan. The amount determined under this
15 subdivision may not exceed fifteen percent (15%) of the funds.

16 **Sec. 8. The plan is not an entitlement program. The maximum**
17 **enrollment of individuals who may participate in the plan is**
18 **dependent on funding appropriated for the plan.**

19 **Sec. 9. (a) An individual is eligible for participation in the plan**
20 **if the individual meets the following requirements:**

21 (1) The individual is at least eighteen (18) years of age and less
22 than sixty-five (65) years of age.

23 (2) The individual is a United States citizen and has been a
24 resident of Indiana for at least twelve (12) months.

25 (3) The individual has an annual household income of not
26 more than two hundred percent (200%) of the federal income
27 poverty level.

28 (4) The individual is not eligible for health insurance coverage
29 through the individual's employer.

30 (5) The individual has not had health insurance coverage for
31 at least six (6) months.

32 **(b) The following individuals are not eligible for the plan:**

33 (1) An individual who participates in the federal Medicare
34 program (42 U.S.C. 1395 et seq.).

35 (2) A pregnant woman for purposes of pregnancy related
36 services.

37 (3) An individual who is eligible for the Medicaid program as
38 a disabled person.

39 **(c) The eligibility requirements specified in subsection (a) are**
40 **subject to approval for federal financial participation by the**
41 **United States Department of Health and Human Services.**

42 **Sec. 10. (a) An individual who participates in the plan must have**
43 **a health care account to which payments may be made for the**
44 **individual's participation in the plan only by the following:**

45 (1) The individual.

46 (2) An employer.



(3) The state.

(b) The minimum funding amount for a health care account is the amount required under section 11 of this chapter.

(c) An individual's health care account must be used to pay the individual's deductible for health care services under the plan.

(d) An individual may make payments to the individual's health care account as follows:

(1) An employer withholding or causing to be withheld from an employee's wages or salary, after taxes are deducted from the wages or salary, the individual's contribution under this chapter and distributed equally throughout the calendar year.

(2) Submission of the individual's contribution under this chapter to the office to deposit in the individual's health care account in a manner prescribed by the office.

(3) Another method determined by the office.

(e) An employer may make, from funds not payable by the employer to the employee, not more than fifty percent (50%) of an individual's required payment to the individual's health care account.

Sec. 11. (a) An individual's participation in the plan does not begin until an initial payment is made for the individual's participation in the plan. A required payment to the plan for the individual's participation may not exceed one-twelfth (1/12) of the annual payment required under subsection (b).

(b) To participate in the plan, an individual shall do the following:

(1) Apply for the plan on a form prescribed by the office. The office may develop and allow a joint application for a household.

(2) If the individual is approved by the office to participate in the plan, contribute to the individual's health care account the lesser of the following:

(A) One thousand one hundred dollars (\$1,100) per year, less any amounts paid by the individual under the:

(i) Medicaid program under IC 12-15;

(ii) children's health insurance program under IC 12-17.6; and

(iii) Medicare program (42 U.S.C. 1395 et seq.);

as determined by the office.

(B) Not more than the following applicable percentage of the individual's annual household income per year, less any amounts paid by the individual under the Medicaid program under IC 12-15, the children's health insurance program under IC 12-17.6, and the Medicare program (42 U.S.C. 1395 et seq.) as determined by the office:

(i) two percent (2%) of the individual's annual household



1 income per year if the individual has an annual
2 household income of not more than one hundred percent
3 (100%);

4 (ii) three percent (3%) of the individual's annual
5 household income per year if the individual has an
6 annual household income of more than one hundred
7 percent (100%) and not more than one hundred
8 twenty-five percent (125%);

9 (iii) four percent (4%) of the individual's annual
10 household income per year if the individual has an
11 annual household income of more than one hundred
12 twenty-five percent (125%) and not more than one
13 hundred fifty percent (150%); or

14 (iv) five percent (5%) of the individual's annual
15 household income per year if the individual has an
16 annual household income of more than one hundred fifty
17 percent (150%) and not more than two hundred percent
18 (200%);

19 of the federal income poverty level.

20 (c) The state shall contribute the difference to the individual's
21 account if the individual's payment required under subsection
22 (b)(2) is less than one thousand one hundred dollars (\$1,100).

23 (d) If an individual's required payment to the plan is not made
24 within sixty (60) days after the required payment date, the
25 individual may be terminated from participation in the plan. The
26 individual must receive written notice before the individual is
27 terminated from the plan.

28 (e) After termination from the plan under subsection (d), the
29 individual may not reapply to participate in the plan for twelve
30 (12) months.

31 Sec. 12. (a) An individual who is approved to participate in the
32 plan is eligible for a twelve (12) month plan period. An individual
33 who participates in the plan may not be refused renewal of
34 participation in the plan for the sole reason that the plan has
35 reached the plan's maximum enrollment.

36 (b) If the individual chooses to renew participation in the plan,
37 the individual shall complete a renewal application and any
38 necessary documentation, and submit to the office the
39 documentation and application on a form prescribed by the office.

40 (c) If the individual chooses not to renew participation in the
41 plan, the individual may not reapply to participate in the plan for
42 at least twelve (12) months.

43 (d) Any funds remaining in the health care account of an
44 individual who renews participation in the plan at the end of the
45 individual's twelve (12) month plan period must be used to reduce
46 the individual's payments for the subsequent plan period.



1 However, if the individual did not, during the plan period, receive
 2 all qualified preventative services recommended as provided in
 3 section 5 of this chapter, the state's contribution to the health care
 4 account may not be used to reduce the individual's payments for
 5 the subsequent plan period.

6 (e) If an individual is no longer eligible for the plan, does not
 7 renew participation in the plan at the end of the plan period, or is
 8 terminated from the plan for nonpayment of a required payment,
 9 the office shall, not more than sixty (60) days after the last date of
 10 participation in the plan, refund to the individual the amount
 11 determined under subsection (f) of any funds remaining in the
 12 individual's health care account as follows:

13 (1) An individual who is no longer eligible for the plan or does
 14 not renew participation in the plan at the end of the plan
 15 period shall receive the amount determined under STEP
 16 FOUR of subsection (f).

17 (2) An individual who is terminated from the plan due to
 18 nonpayment of a required payment shall receive the amount
 19 determined under STEP FIVE of subsection (f).

20 (f) The office shall determine the amount payable to an
 21 individual described in subsection (e) as follows:

22 STEP ONE: Determine the total amount paid into the
 23 individual's health care account under section 10(d) of this
 24 chapter.

25 STEP TWO: Determine the total amount paid into the
 26 individual's health care account from all sources.

27 STEP THREE: Divide STEP ONE by STEP TWO.

28 STEP FOUR: Multiply the ratio determined in STEP THREE
 29 by the total amount remaining in the individual's health care
 30 account.

31 STEP FIVE: Multiply the amount determined under STEP
 32 FOUR by seventy-five hundredths (0.75).

33 Sec. 13. Subject to appeal to the office, an individual may be
 34 held responsible under the plan for receiving nonemergency
 35 services in an emergency room setting, including prohibiting the
 36 individual from using funds in the individual's health care account
 37 to pay for the nonemergency services. However, an individual may
 38 not be prohibited from using funds in the individual's health care
 39 account to pay for nonemergency services provided in an
 40 emergency room setting for a medical condition that arises
 41 suddenly and unexpectedly and manifests itself by acute symptoms
 42 of such severity, including severe pain, that the absence of
 43 immediate medical attention could reasonably be expected by a
 44 prudent lay person who possesses an average knowledge of health
 45 and medicine to:

46 (1) place an individual's health in serious jeopardy;



- (2) result in serious impairment to the individual's bodily functions; or
- (3) result in serious dysfunction of a bodily organ or part of the individual.

Sec. 14. (a) An insurer or health maintenance organization that contracts with the office to provide health insurance coverage, dental coverage, or vision coverage to an individual that participates in the plan:

- (1) is responsible for the claim processing for the coverage;
- (2) shall reimburse providers at a reimbursement rate of:
 - (A) not less than the federal Medicare reimbursement rate for the service provided; or
 - (B) at a rate of one hundred thirty percent (130%) of the Medicaid reimbursement rate for a service that does not have a Medicare reimbursement rate; and
- (3) may not deny coverage to an eligible individual who has been approved by the office to participate in the plan, unless the individual has met the coverage limitations described in section 6 of this chapter.

(b) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.

Sec. 15. (a) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan or an affiliate of an insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall offer to provide the same health insurance coverage to an individual who:

- (1) has not had health insurance coverage during the previous six (6) months; and
- (2) meets the eligibility requirements specified in section 9 of this chapter for participation in the plan but is not enrolled because the plan has reached maximum enrollment.

(b) The insurance underwriting and rating practices applied to health insurance coverage offered under subsection (a) must not be different from underwriting and rating practices used for the health insurance coverage provided under the plan.

(c) The state does not provide funding for health insurance coverage received under this section.

Sec. 16. (a) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan or an affiliate of an insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall offer to provide the same



1 health insurance coverage to an individual who:

2 (1) has not had health insurance coverage during the previous
3 six (6) months; and

4 (2) does not meet the eligibility requirements specified in
5 section 9 of this chapter for participation in the plan.

6 (b) An insurer, a health maintenance organization, or an
7 affiliate described in subsection (a) may apply to health insurance
8 coverage offered under subsection (a) the insurer's, health
9 maintenance organization's, or affiliate's standard individual or
10 small group insurance underwriting and rating practices.

11 (c) The state does not provide funding for health insurance
12 coverage received under this section.

13 Sec. 17. (a) The Indiana check-up plan trust fund is established
14 for the following purposes:

15 (1) Administering a plan created by the general assembly to
16 provide health insurance coverage for low income residents of
17 the state under this chapter.

18 (2) Providing copayments, preventative care services, and
19 premiums for individuals enrolled in the plan.

20 (3) Funding tobacco use prevention and cessation programs,
21 childhood immunization programs, and other health care
22 initiatives designed to promote the general health and well
23 being of Indiana residents.

24 The fund is separate from the state general fund.

25 (b) The fund shall be administered by the office of the secretary
26 of family and social services.

27 (c) The expenses of administering the fund shall be paid from
28 money in the fund.

29 (d) The fund shall consist of the following:

30 (1) Cigarette tax revenues designated by the general assembly
31 to be part of the fund.

32 (2) Other funds designated by the general assembly to be part
33 of the fund.

34 (3) Federal funds available for the purposes of the fund.

35 (4) Gifts or donations to the fund.

36 (e) The treasurer of state shall invest the money in the fund not
37 currently needed to meet the obligations of the fund in the same
38 manner as other public money may be invested.

39 (f) Money must be appropriated before funds are available for
40 use.

41 (g) Money in the fund does not revert to the state general fund
42 at the end of any fiscal year.

43 (h) The fund is considered a trust fund for purposes of
44 IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise
45 removed from the fund by the state board of finance, the budget
46 agency, or any other state agency.



1 **Sec. 18. (a) The office may not:**

- 2 (1) enroll applicants;
- 3 (2) approve any contracts with vendors to provide services or
- 4 administer the plan;
- 5 (3) incur costs other than costs necessary to study and plan for
- 6 the implementation of the plan; or
- 7 (4) create financial obligations for the state;

8 **unless both of the conditions of subsection (b) are satisfied.**

9 **(b) The office may not take any action described in subsection**

10 **(a) unless:**

- 11 (1) there is a specific appropriation from the general assembly
- 12 to implement the plan; and
- 13 (2) after review by the budget committee, the budget agency
- 14 approves an actuarial analysis that reflects a determination
- 15 that sufficient funding is reasonably estimated to be available
- 16 to operate the plan for at least the following five (5) years.

17 **The actuarial analysis approved under subdivision (2) must clearly**

18 **indicate the cost and revenue assumptions used in reaching the**

19 **determination.**

20 **(c) The office may not operate the plan in a manner that would**

21 **obligate the state to financial participation beyond the level of state**

22 **appropriations authorized for the plan.**

23 **Sec. 19. (a) The office may adopt rules under IC 4-22-2**

24 **necessary to implement this chapter.**

25 **(b) The office may adopt emergency rules under IC 4-22-2-37.1**

26 **to implement the plan on an emergency basis.**

27 **(c) Notwithstanding IC 12-8-1-9 and IC 12-8-3, rules adopted**

28 **under this section before January 1, 2009, are not subject to review**

29 **or approval by the family and social services committee established**

30 **by IC 12-8-3-2. This subsection expires December 31, 2009.**

31 **Sec. 20. (a) The office may establish a health insurance coverage**

32 **premium assistance program for individuals who:**

- 33 (1) have an annual household income of not more than two
- 34 hundred percent (200%) of the federal income poverty level;
- 35 and
- 36 (2) are eligible for health insurance coverage through an
- 37 employer but can not afford the health insurance coverage
- 38 premiums.

39 **(b) A program established under this section must:**

- 40 (1) contain eligibility requirements that are similar to the
- 41 eligibility requirements of the plan;
- 42 (2) include a health care account as a component; and
- 43 (3) provide that an individual's payment:
- 44 (A) to a health care account; or
- 45 (B) for a health insurance coverage premium;
- 46 may not exceed five percent (5%) of the individual's annual



1 income.

2 **Sec. 21. A denial of federal approval and federal financial**
 3 **participation that applies to any part of this chapter does not**
 4 **prohibit the office from implementing any other part of this**
 5 **chapter that:**

- 6 (1) is federally approved for federal financial participation; or
 7 (2) does not require federal approval or federal financial
 8 participation.

9 SECTION 63. IC 12-29-1-5, AS AMENDED BY P.L.219-2007,
 10 SECTION 96, AND AS AMENDED BY P.L.224-2007, SECTION
 11 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 5. All general Indiana statutes
 13 relating to the following apply to the issuance of county bonds under
 14 this chapter:

- 15 (1) The filing of a petition requesting the issuance of bonds.
 16 (2) The giving of notice of the following:
 17 (A) The filing of the petition requesting the issuance of the
 18 bonds.
 19 (B) The determination to issue bonds.
 20 (C) A hearing on the appropriation of the proceeds of the
 21 bonds.
 22 (3) The right of taxpayers to appear and be heard on the proposed
 23 appropriation.
 24 (4) The approval of the appropriation by the department of local
 25 government finance (*before January 1, 2009*) or the county board
 26 of tax and capital projects review (*after December 31, 2008*).
 27 (5) The right of taxpayers and voters to remonstrate against the
 28 issuance of bonds.

29 SECTION 64. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2007,
 30 SECTION 128, AND AS AMENDED BY P.L.2-2007, SECTION 170,
 31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) The division may
 33 conduct a program to survey and register in a registry of Indiana
 34 cemeteries and burial grounds that the division establishes and
 35 maintains all cemeteries and burial grounds in each county in Indiana.
 36 The division may conduct the program alone or by entering into an
 37 agreement with one (1) or more of the following entities:

- 38 (1) The Indiana Historical Society established under IC 23-6-3.
 39 (2) A historical society (as defined in IC 36-10-13-3).
 40 (3) The Historic Landmarks Foundation of Indiana.
 41 (4) A professional archeologist or historian associated with a
 42 ~~college or university~~ postsecondary educational institution.
 43 (5) A township trustee.
 44 (6) Any other entity that the division selects.

45 (b) In conducting a program under subsection (a), the division may
 46 receive gifts and grants under terms, obligations, and liabilities that the



1 director considers appropriate. The director shall use a gift or grant
2 received under this subsection:

- 3 (1) to carry out subsection (a); and
- 4 (2) according to the terms of the gift or grant.

5 (c) At the request of the director, the auditor of state shall establish
6 a trust fund for purposes of holding money received under subsection
7 (b).

8 (d) The director shall administer a trust fund established by
9 subsection (c). The expenses of administering the trust fund shall be
10 paid from money in the trust fund.

11 (e) The treasurer of state shall invest the money in the trust fund
12 established by subsection (c) that is not currently needed to meet the
13 obligations of the trust fund in the same manner as other public trust
14 funds may be invested. The treasurer of state shall deposit in the trust
15 fund the interest that accrues from the investment of the trust fund.

16 (f) Money in the trust fund at the end of a state fiscal year does not
17 revert to the state general fund.

18 (g) Nothing in this section may be construed to authorize violation
19 of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~
20 ~~16 U.S.C. 470w-3 and 16 U.S.C. 470(h)(h)~~. 16 U.S.C. 470hh.

21 (h) The division may record in each county recorder's office the
22 location of each cemetery and burial ground located in that county.

23 SECTION 65. IC 15-4-10-26, AS AMENDED BY P.L.207-2007,
24 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 26. (a) An assessment of one-half cent
26 (\$0.005) per bushel shall be collected on all corn sold in Indiana. The
27 assessment may be imposed and collected on a quantity of corn only
28 once and shall be collected by the first purchaser. A buyer of corn who
29 purchases more than one hundred thousand (100,000) bushels annually
30 for the buyer's own use as seed or feed, is responsible only for
31 collecting checkoff assessments on corn purchases made after the
32 buyer exceeds the one hundred thousand (100,000) bushel threshold
33 and becomes a first ~~purchased~~ **purchaser** under section 6(a) of this
34 chapter. The rate of the assessment imposed by this section may be
35 changed only by the general assembly.

36 (b) The first purchaser of a quantity of corn shall deduct the
37 assessment on the corn from the sum of money to be paid to the
38 producer based on the sale of the corn. A first purchaser shall
39 accumulate assessments collected under this subsection throughout
40 each of the following periods:

- 41 (1) January, February, and March.
- 42 (2) April, May, and June.
- 43 (3) July, August, and September.
- 44 (4) October, November, and December.

45 (c) At the end of each period, the first purchaser shall remit to the
46 council all assessments collected during the period. A first purchaser



1 who remits all assessments collected during a period within thirty (30)
 2 days after the end of the period is entitled to retain three percent (3%)
 3 of the total of the assessments as a handling fee.

4 SECTION 66. IC 15-5-12-3.5, AS ADDED BY P.L.220-2007,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 3.5. (a) The following definitions apply
 7 throughout this section:

8 (1) "Coydog" means:

9 (A) an animal that is the offspring of a coyote and another
 10 animal; or

11 (B) an animal that is the offspring of:

12 (i) an animal that is the offspring of a coyote and another
 13 animal; and

14 (ii) another animal.

15 (2) "Secure enclosure" means an outdoor pen that is:

16 (A) roofed or that has sides at least six (6) feet tall; and

17 (B) constructed in such a manner that the type of animal
 18 contained within the pen cannot reasonably be expected to
 19 escape.

20 (3) "Wolf hybrid" means:

21 (A) an animal that is the offspring of a wolf and another
 22 animal; or

23 (B) an animal that is the offspring of:

24 (i) an animal that is the offspring of a wolf and another
 25 animal; and

26 (ii) another animal.

27 (b) An owner of a wolf hybrid or coydog ~~commits a Class B~~
 28 ~~infraction if the owner:~~ **shall:**

29 (1) ~~fails to~~ keep the animal in a building or secure enclosure; or

30 (2) ~~does not~~ keep the animal:

31 (A) under the reasonable control of an individual; **and**

32 (B) on a leash not more than eight (8) feet in length.

33 **Subject to subsections (c) and (d), an owner who does not comply**
 34 **with this subsection commits a Class B infraction. An owner who**
 35 **merely** tethers or chains a coydog or wolf hybrid does not comply with
 36 this subsection.

37 (c) **Subject to subsection (d),** an owner of a wolf hybrid or coydog
 38 commits a Class B misdemeanor if the owner recklessly, knowingly, or
 39 intentionally fails to comply with subsection (b) and:

40 (1) the wolf hybrid or coydog enters property other than the
 41 property of the owner; and

42 (2) the wolf hybrid or coydog causes damage to livestock or the
 43 personal property of another individual.

44 (d) The offense under subsection (c) is:

45 (1) a Class A misdemeanor if the owner has one (1) prior
 46 unrelated conviction under this section;



(2) a Class D felony if:

(A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or

(B) the ~~person~~ **owner** knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and

(3) a Class C felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance:

(1) prohibiting a person from possessing a wolf hybrid or coydog; or

(2) imposing:

(A) a penalty of more than one thousand dollars (\$1,000) up to the limits prescribed in IC 36-1-3-8(a)(10)(B) for violating the provisions of subsection (b); or

(B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection (b).

SECTION 67. IC 16-18-2-37.5, AS AMENDED BY P.L.234-2007, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.5. (a) "Board" for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-2.1.

(b) "Board" for purposes of ~~IC 16-41-42~~, **IC 16-14-42.2**, has the meaning set forth in ~~IC 16-41-42-1~~. **IC 16-14-42.2-1**.

SECTION 68. IC 16-18-2-97, AS AMENDED BY P.L.41-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 97. "Division" means the following:

(1) For purposes of IC 16-21-8, the meaning set forth in IC 16-21-8-0.1.

(2) For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.

(3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.

(4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.

(5) For purposes of IC 16-41-40, the ~~meaning set forth in IC 16-41-40-1~~. **division of family resources established by IC 12-13-1-1**.

SECTION 69. IC 16-18-2-143, AS AMENDED BY P.L.234-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth



1 in IC 16-31-8.5-2.

2 (c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in
3 IC 16-46-5-3.

4 (d) "Fund", for purposes of IC 16-46-12, has the meaning set forth
5 in IC 16-46-12-1.

6 (e) "Fund", for purposes of ~~IC 16-41-42~~, **IC 16-14-42.2**, has the
7 meaning set forth in ~~IC 16-41-42-2~~, **IC 16-14-42.2-2**.

8 SECTION 70. IC 16-18-2-160.5, AS ADDED BY P.L.193-2007,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 160.5. "Health care entity", for purposes of
11 ~~IC 16-41-42~~, **IC 16-41-42.1**, has the meaning set forth in
12 ~~IC 16-41-42-1~~, **IC 16-41-42.1-1**.

13 SECTION 71. IC 16-22-8-34, AS AMENDED BY P.L.121-2007,
14 SECTION 2, AS AMENDED BY P.L.194-2007, SECTION 4, AND
15 AS AMENDED BY P.L.215-2007, SECTION 2, IS CORRECTED
16 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
17 PASSAGE]: Sec. 34. (a) The board or corporation may do all acts
18 necessary or reasonably incident to carrying out the purposes of this
19 chapter, including the following:

20 (1) As a municipal corporation, sue and be sued in any court with
21 jurisdiction.

22 (2) To serve as the exclusive local board of health and local
23 department of health within the county with the powers and duties
24 conferred by law upon local boards of health and local
25 departments of health.

26 (3) To adopt and enforce ordinances consistent with Indiana law
27 and administrative rules for the following purposes:

28 (A) To protect property owned or managed by the corporation.

29 (B) To determine, prevent, and abate public health nuisances.

30 (C) To establish *isolation and quarantine regulations impose*
31 *restrictions on persons having infectious or contagious*
32 *diseases and contacts of the persons, and regulate the*
33 *disinfection of premises*; ~~in accordance with IC 16-41-9.~~

34 (D) To license, regulate, and establish minimum sanitary
35 standards for the operation of a business handling, producing,
36 processing, preparing, manufacturing, packing, storing,
37 selling, distributing, or transporting articles used for food,
38 drink, confectionery, or condiment in the interest of the public
39 health.

40 (E) To control:

41 (i) rodents, mosquitos, and other animals, including insects,
42 capable of transmitting microorganisms and disease to
43 humans and other animals; and

44 (ii) the animals' breeding places.

45 (F) To require persons to connect to available sewer systems
46 and to regulate the disposal of domestic or sanitary sewage by



- 1 private methods. However, the board and corporation have no
 2 jurisdiction over publicly owned or financed sewer systems or
 3 sanitation and disposal plants.
- 4 (G) To control rabies.
- 5 (H) For the sanitary regulation of water supplies for domestic
 6 use.
- 7 (I) To protect, promote, or improve public health. For public
 8 health activities and to enforce public health laws, the state
 9 health data center described in IC 16-19-10 shall provide
 10 health data, medical information, and epidemiological
 11 information to the corporation.
- 12 (J) To detect, report, prevent, and control disease affecting
 13 public health.
- 14 (K) To investigate and diagnose health problems and health
 15 hazards.
- 16 (L) To regulate the sanitary and structural conditions of
 17 residential and nonresidential buildings and unsafe premises.
- 18 *(M) To regulate the remediation of lead hazards.*
- 19 ~~(M)~~ (N) To license and regulate the design, construction, and
 20 operation of public pools, spas, and beaches.
- 21 ~~(N)~~ (O) To regulate the storage, containment, handling, use,
 22 and disposal of hazardous materials.
- 23 ~~(O)~~ (P) To license and regulate tattoo ~~parlors~~ and body
 24 piercing facilities.
- 25 *(Q) To regulate the storage and disposal of waste tires.*
- 26 (4) To manage the corporation's hospitals, medical facilities, and
 27 mental health facilities.
- 28 (5) To ~~furnish~~ *provide school based health and nursing services.*
 29 *to elementary and secondary schools within the county.*
- 30 (6) To furnish medical care to ~~the indigent within insured and~~
 31 ~~uninsured residents of the county. unless medical care is~~
 32 ~~furnished to the indigent by the division of family resources.~~
- 33 *(7) To furnish dental services to the insured and uninsured*
 34 *residents of the county, including the services as provided in*
 35 *subsection (c) until the expiration of subsection (c).*
- 36 ~~(7)~~ (8) To ~~determine the~~ establish public health *policies and*
 37 *programs. to be carried out and administered by the corporation.*
- 38 ~~(8)~~ (9) To adopt an annual budget ordinance and levy taxes.
- 39 ~~(9)~~ (10) To incur indebtedness in the name of the corporation.
- 40 ~~(10)~~ (11) To organize ~~the personnel and functions of~~ the
 41 corporation into divisions. ~~and subdivisions to carry out the~~
 42 ~~corporation's powers and duties and to consolidate, divide, or~~
 43 ~~abolish the divisions and subdivisions.~~
- 44 ~~(11)~~ (12) To acquire and dispose of property.
- 45 ~~(12)~~ (13) To receive charitable contributions and gifts as provided
 46 in 26 U.S.C. 170.



- 1 ~~(13)~~ (14) To make charitable contributions and gifts.
- 2 ~~(14)~~ (15) To establish a charitable foundation as provided in 26
- 3 U.S.C. 501.
- 4 ~~(15)~~ (16) To receive and distribute federal, state, local, or private
- 5 grants.
- 6 ~~(16)~~ (17) To receive and distribute grants from charitable
- 7 foundations.
- 8 ~~(17)~~ (18) To establish ~~nonprofit~~ corporations *and enter into*
- 9 *partnerships and joint ventures* to carry out the purposes of the
- 10 corporation. *This subdivision does not authorize the merger of the*
- 11 *corporation with a hospital licensed under IC 16-21.*
- 12 ~~(18)~~ (19) To erect, improve, remodel, or repair corporation
- 13 buildings. ~~or structures or improvements to existing buildings or~~
- 14 ~~structures.~~
- 15 ~~(19)~~ (20) To determine *matters of policy regarding internal*
- 16 *organization and* operating procedures.
- 17 ~~(20)~~ (21) To do the following:
- 18 (A) Adopt a schedule of reasonable charges for nonresidents
- 19 of the county for medical and mental health services.
- 20 (B) Collect the charges from the patient, *the patient's*
- 21 *insurance company, or from the governmental unit where the*
- 22 *patient resided at the time of the service: a government*
- 23 *program.*
- 24 (C) Require security for the payment of the charges.
- 25 ~~(21)~~ (22) To adopt a schedule of and to collect reasonable charges
- 26 for *patients able to pay in full or in part: medical and mental*
- 27 *health services.*
- 28 ~~(22)~~ (23) To enforce Indiana laws, administrative rules,
- 29 *ordinances,* and the code of the health and hospital corporation of
- 30 the county.
- 31 ~~(23)~~ (24) To purchase supplies, materials, and equipment. ~~for the~~
- 32 ~~corporation.~~
- 33 ~~(24)~~ (25) To employ personnel and establish personnel policies.
- 34 ~~to carry out the duties, functions, and powers of the corporation.~~
- 35 ~~(25)~~ (26) To employ attorneys admitted to practice law in Indiana.
- 36 ~~(26)~~ (27) To acquire, erect, equip, and operate the corporation's
- 37 hospitals, medical facilities, and mental health facilities.
- 38 ~~(27)~~ (28) To dispose of surplus property in accordance with a
- 39 policy by the board.
- 40 ~~(28)~~ (29) To determine the duties of officers and division
- 41 directors.
- 42 ~~(29)~~ (30) To fix the compensation of the officers and division
- 43 directors.
- 44 ~~(30)~~ (31) To carry out the purposes and object of the corporation.
- 45 ~~(31)~~ (32) To obtain loans for hospital expenses in amounts and
- 46 upon terms agreeable to the board. The board may secure the



loans by pledging accounts receivable or other security in hospital funds.

~~(32)~~ (33) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees. *IC 5-14-3-8(d) does not apply to fees established under this subdivision for certificates of birth, death, or stillbirth registration.*

~~(33)~~ (34) To use levied taxes or other funds to make intergovernmental transfers to the state to fund governmental health care programs, including Medicaid and Medicaid supplemental programs.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

(c) *After a dentist licensed under IC 25-14 who is employed by a local health department or the health and hospital corporation examines a child enrolled in any grade up to and including grade 12 and prescribes a treatment plan in writing for the child, a licensed dental hygienist employed by the local health department or the health and hospital corporation may, without supervision by the dentist, provide the child with the following treatment in accordance with the treatment plan:*

(1) Prophylaxis.

(2) Fluoride application.

(3) Sealants.

However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan. This subsection expires June 30, 2009.

SECTION 72. IC 16-28-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Subject to obtaining a patient's informed consent under section 2(b) of this chapter and subject to obtaining an order from the individual's physician to administer the immunizations, a health facility shall immunize all patients of the health facility against the following:

(1) Influenza virus.

(2) Pneumococcal disease.

(b) A health facility shall conduct the immunizations required under subsection (a) in accordance with the recommendations established by the Advisory Committee on Immunization **Process Practices** of the United States Centers for Disease Control and Prevention that are in effect at the time the health facility conducts the immunizations.

SECTION 73. IC 16-37-1-9, AS AMENDED BY P.L.215-2007, SECTION 3, AND AS AMENDED BY P.L.225-2007, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth,



1 death, or stillbirth registration. *IC 5-14-3-8(d) does not apply to the*
 2 *health department making a charge for a certificate of birth, death, or*
 3 *stillbirth registration under IC 16-20-1-27.*

4 (b) If the local department of health makes a charge for a certificate
 5 of death under subsection (a), ~~a one dollar (\$1)~~ the coroners continuing
 6 education fee *described in subsection (d)* must be added to the rate
 7 established under IC 16-20-1-27. The local department of health shall
 8 deposit any coroners continuing education fees with the county auditor
 9 within thirty (30) days after collection. The county auditor shall
 10 transfer semiannually any coroners continuing education fees to the
 11 treasurer of state.

12 (c) Notwithstanding IC 16-20-1-27, a charge may not be made for
 13 furnishing a certificate of birth, death, or stillbirth registration to a
 14 person or to a member of the family of a person who needs the
 15 certificate for one (1) of the following purposes:

16 (1) To establish the person's age or the dependency of a member
 17 of the person's family in connection with:

18 (A) the person's service in the armed forces of the United
 19 States; or

20 (B) a death pension or disability pension of a person who is
 21 serving or has served in the armed forces of the United States.

22 (2) To establish or to verify the age of a child in school who
 23 desires to secure a work permit.

24 (d) *The coroners continuing education fee is:*

25 (1) *one dollar and seventy-five cents (\$1.75) after June 30, 2007,*
 26 *and before July 1, 2013;*

27 (2) *two dollars (\$2) after June 30, 2013, and before July 1, 2018;*

28 (3) *two dollars and twenty-five cents (\$2.25) after June 30, 2018,*
 29 *and before July 1, 2023;*

30 (4) *two dollars and fifty cents (\$2.50) after June 30, 2023, and*
 31 *before July 1, 2028;*

32 (5) *two dollars and seventy-five cents (\$2.75) after June 30, 2028,*
 33 *and before July 1, 2033;*

34 (6) *three dollars (\$3) after June 30, 2033, and before July 1,*
 35 *2038;*

36 (7) *three dollars and twenty-five cents (\$3.25) after June 30,*
 37 *2038, and before July 1, 2043; and*

38 (8) *three dollars and fifty cents (\$3.50) after June 30, 2043.*

39 SECTION 74. IC 16-40-5-6, AS ADDED BY P.L.101-2007,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 6. (a) Except as provided in subsections (d)
 42 and (e): ~~the following are confidential and privileged from use as~~
 43 ~~evidence in an administrative or a judicial proceeding:~~

44 (1) oral or written information or reports given to the agency; **and**

45 (2) proceedings, records, deliberations, and findings of the
 46 agency;



that are generated, undertaken, or performed as a result of a report described in section 5 of this chapter or under the agreement described in section 4(a) of this chapter **are confidential and privileged from use as evidence in an administrative or judicial proceeding.**

(b) Neither the personnel of the agency nor any participant or witness in an agency proceeding or deliberation may disclose to a person outside of the agency the contents of:

- (1) communications to the agency;
- (2) agency records; or
- (3) agency findings;

that are generated, undertaken, or performed as a result of a report described in section 5 of this chapter or under the agreement described in section 4(a) of this chapter.

(c) Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because it was presented during proceedings or deliberations of the agency. Neither the personnel of the agency nor any participant or witness in any agency proceeding or deliberation may be prevented from testifying:

- (1) as to matters within the individual's own knowledge; and
- (2) in accordance with the other provisions of this chapter.

However, a witness cannot be questioned about testimony on other matters before the agency or about opinions formed by the witness as a result of the agency's proceedings or deliberations.

(d) The agency may disclose information concerning patient safety or quality of health care matters addressed in the agreement described in section 4(a) of this chapter, including information reported to the agency by a health care facility, a health care professional, or an individual, if the information does not disclose any of the following:

- (1) The identity of the health care facility, health care provider, or patient.
- (2) The identity of a person that provided information to the agency.
- (3) Information that could reasonably be expected to result in the identification of a health care facility, health care provider, patient, or person that has provided information to the agency.

(e) Information or material that is confidential and privileged under this section may be used as evidence in a criminal proceeding only if the court first makes an in camera determination that the information:

- (1) is relevant to the criminal proceeding;
- (2) is material to the proceeding; and
- (3) is not reasonably available from another source.

SECTION 75. IC 16-41-42.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 42.1. Registration of Out-of-State Mobile Health Care



1 **Entities**

2 **Sec. 1. As used in this chapter, "health care entity" means an**
 3 **entity that:**

4 (1) is registered or licensed as a health care entity under the
 5 laws of another state, a foreign country, or a province in a
 6 foreign country; and

7 (2) provides health care services, including the performance
 8 of health care tests, in a mobile facility or temporary location
 9 for a short period of time.

10 **Sec. 2. The state department shall maintain a registry of health**
 11 **care entities that apply for and meet the registration requirements**
 12 **of this chapter.**

13 **Sec. 3. The registry maintained under section 2 of this chapter**
 14 **must include:**

15 (1) the information required under section 5(6) of this chapter
 16 for each registered health care entity; and

17 (2) the date that the health care entity registered with the
 18 state department under this chapter.

19 **Sec. 4. The state department shall issue a certificate of**
 20 **registration to a health care entity that applies for registration and**
 21 **meets the requirements of this chapter.**

22 **Sec. 5. A health care entity applying for registration under this**
 23 **chapter must disclose the following:**

24 (1) The types of health care services that the health care entity
 25 will provide in Indiana.

26 (2) The names of any employees who are currently in good
 27 standing licensed, certified, or registered in a health care
 28 profession in:

29 (A) Indiana; or

30 (B) any other state;

31 and a copy of each employee's license, certification, or
 32 registration.

33 (3) Any health care services that are to be provided under a
 34 contract between the health care entity and a person that is
 35 licensed, certified, or registered in Indiana to provide health
 36 care services.

37 (4) The types of:

38 (A) health care services that the health care entity will
 39 perform;

40 (B) health care tests that the health care entity will
 41 perform; and

42 (C) equipment that the health care entity will use.

43 (5) The manner in which test results and recommendations
 44 for health care based on the test results will be disclosed to
 45 patients.

46 (6) The health care entity's name, address, and telephone



number, and the name of any company that is affiliated with the health care entity.

Sec. 6. A registered health care entity that is issued a certificate of registration under this chapter shall display the certificate of registration in a conspicuous place in sight of a consumer of the health care entity.

Sec. 7. A certificate of registration issued under this chapter expires one (1) calendar year after its issuance.

Sec. 8. A health care entity may not provide services in Indiana until the health care entity is registered with the state department under this chapter.

Sec. 9. The registration of a health care entity under this chapter does not exempt:

- (1) a health care professional from the licensure, certification, and registration requirements of IC 25; or
- (2) a health care service from the regulation requirements of IC 16 or IC 25.

Sec. 10. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter, including rules specifying registration renewal procedures.

SECTION 76. IC 16-41-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 42.2. Spinal Cord and Brain Injury

Sec. 1. As used in this chapter, "board" refers to the spinal cord and brain injury research board created by section 6 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the spinal cord and brain injury fund established by section 3 of this chapter.

Sec. 3. (a) The spinal cord and brain injury fund is established to fund research on spinal cord and brain injuries.

(b) The fund shall be administered by the state department.

(c) The fund consists of:

- (1) appropriations;
- (2) gifts and bequests;
- (3) fees deposited in the fund under IC 9-29-5-2; and
- (4) grants received from the federal government or private sources.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Of the money in the fund is continually appropriated to the



1 state department to fund spinal cord and brain injury research
2 programs.

3 **Sec. 4. The fund is to be used for the following purposes:**

4 (1) Establishing and maintain a state medical surveillance
5 registry for traumatic spinal cord and brain injuries.

6 (2) Fulfilling the duties of the board under section 6 of this
7 chapter.

8 (3) Funding research related to treatment and cure of spinal
9 cord and brain injuries, including acute management, medical
10 complications, rehabilitative techniques, and neuronal
11 recovery. Research must be conducted in compliance with all
12 state and federal laws.

13 **Sec. 5. (a) The spinal cord and brain injury research board is**
14 **created for the purpose of administering the fund. The board is**
15 **composed of nine (9) members.**

16 (b) The following four (4) members of the board shall be
17 appointed by the governor:

18 (1) One (1) member who has a spinal cord or head injury or
19 who has a family member with a spinal cord or head injury.

20 (2) One (1) member who is a physician licensed under
21 IC 25-22.5 who has specialty training in neuroscience and
22 surgery.

23 (3) One (1) member who is a physiatrist holding a board
24 certification from the American Board of Physical Medicine
25 and Rehabilitation.

26 (4) One (1) member representing the technical life sciences
27 industry.

28 (c) The following five (5) members of the board shall be
29 appointed as follows:

30 (1) One (1) member representing Indiana University to be
31 appointed by Indiana University.

32 (2) One (1) member representing Purdue University to be
33 appointed by Purdue University.

34 (3) One (1) member representing the National Spinal Cord
35 Injury Association to be appointed by the National Spinal
36 Cord Injury Association.

37 (4) One (1) member representing the largest freestanding
38 rehabilitation hospital for brain and spinal cord injuries in
39 Indiana to be appointed by the Rehabilitation Hospital of
40 Indiana located in Indianapolis.

41 (5) One (1) member representing the American Brain Injury
42 Association to be appointed by the Brain Injury Association
43 of Indiana.

44 (d) The term of a member is four (4) years. A member serves
45 until a successor is appointed and qualified. If a vacancy occurs on
46 the board before the end of a member's term, the appointing



1 authority appointing the vacating member shall appoint an
2 individual to serve the remainder of the vacating member's term.

3 (e) A majority of the members appointed to the board
4 constitutes a quorum. The affirmative votes of a majority of the
5 members are required for the board to take action on any measure.

6 (f) Each member of the board is entitled to the minimum salary
7 per diem provided by IC 4-10-11-2.1(b). The member is also
8 entitled to reimbursement for traveling expenses as provided under
9 IC 4-13-1-4 and other expenses actually incurred in connection
10 with the member's duties as provided in the state policies and
11 procedures established by the Indiana department of
12 administration and approved by the budget agency.

13 (g) The board shall annually elect a chairperson who shall be the
14 presiding officer of the board. The board may establish other
15 officers and procedures as the board determines necessary.

16 (h) The board shall meet at least two (2) times each year. The
17 chairperson may call additional meetings.

18 (i) The state department shall provide staff for the board. The
19 state department shall maintain a registry of the members of the
20 board. An appointing authority shall provide written confirmation
21 of an appointment to the board to the state department in the form
22 and manner specified by the state department.

23 (j) The board shall do the following:

24 (1) Consider policy matters relating to spinal cord and brain
25 injury research projects and programs under this chapter.

26 (2) Consider research applications and make grants for
27 approved research projects under this chapter.

28 (3) Formulate policies and procedures concerning the
29 operation of the board.

30 (4) Review and authorize spinal cord and brain injury
31 research projects and programs to be financed under this
32 chapter. For purposes of this subdivision, the board may
33 establish an independent scientific advisory panel composed
34 of scientists and clinicians who are not members of the board
35 to review proposals submitted to the board and make
36 recommendations to the board. Collaborations are
37 encouraged with other Indiana-based researchers as well as
38 researchers located outside Indiana, including researchers in
39 other countries.

40 (5) Review and approve progress and final research reports
41 on projects authorized under this chapter.

42 (6) Review and make recommendations concerning the
43 expenditure of money from the fund.

44 (7) Take other action necessary for the purpose stated in
45 subsection (a).

46 (8) Provide to the governor, the general assembly, and the



legislative council an annual report not later than January 30 of each year showing the status of funds appropriated under this chapter. The report to the general assembly and the legislative council must be in an electronic format under IC 5-14-6.

(k) A member of the board is exempt from civil liability arising or thought to arise from an action taken in good faith as a member of the board.

Sec. 6. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 77. IC 20-19-2-20, AS AMENDED BY P.L.1-2007, SECTION 141, AND AS AMENDED BY P.L.2-2007, SECTION 199, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. The state board shall design a high school diploma to be granted to individuals who successfully complete a high school fast track to college program under ~~IC 20-12-13-6, IC 20-12-75-14, IC 21-43-6, IC 21-43-7, or IC 23-13-18-29.~~ IC 21-43-8.

SECTION 78. IC 20-20-8-8, AS AMENDED BY P.L.84-2007, SECTION 1, AND AS AMENDED BY P.L.234-2007, SECTION 91, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) ~~Vocational~~ Career and technical education.
 - (C) Special education.
 - ~~(D) Gifted or talented, education, if offered.~~
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.



- 1 (7) Advanced placement, including the following:
 - 2 (A) For advanced placement tests, the percentage of students:
 - 3 (i) scoring three (3), four (4), and five (5); and
 - 4 (ii) taking the test.
 - 5 (B) For the Scholastic Aptitude Test:
 - 6 (i) test scores for all students taking the test;
 - 7 (ii) test scores for students completing the academic honors
 - 8 diploma program; and
 - 9 (iii) the percentage of students taking the test.
- 10 (8) Course completion, including the number and percentage of
- 11 students completing the following programs:
 - 12 (A) Academic honors diploma.
 - 13 (B) Core 40 curriculum.
 - 14 (C) ~~Vocational~~ Career and technical programs.
- 15 (9) The percentage of grade 8 students enrolled in algebra I.
- 16 (10) The percentage of graduates who pursue higher education.
- 17 (11) School safety, including:
 - 18 (A) the number of students receiving suspension or expulsion
 - 19 for the possession of alcohol, drugs, or weapons; and
 - 20 (B) the number of incidents reported under IC 20-33-9.
- 21 (12) Financial information and various school cost factors,
- 22 including the following:
 - 23 (A) Expenditures per pupil.
 - 24 (B) Average teacher salary.
 - 25 (C) Remediation funding.
- 26 (13) Technology accessibility and use of technology in
- 27 instruction.
- 28 (14) Interdistrict and intradistrict student mobility rates, if that
- 29 information is available.
- 30 (15) The number and percentage of each of the following within
- 31 the school corporation:
 - 32 (A) Teachers who are certificated employees (as defined in
 - 33 IC 20-29-2-4).
 - 34 (B) Teachers who teach the subject area for which the teacher
 - 35 is certified and holds a license.
 - 36 (C) Teachers with national board certification.
- 37 (16) The percentage of grade 3 students reading at grade 3 level.
- 38 (17) The number of students expelled, including the number
- 39 participating in other recognized education programs during their
- 40 expulsion.
- 41 (18) Chronic absenteeism, which includes the number of students
- 42 who have been absent more than ten (10) days from school within
- 43 a school year without being excused.
- 44 (19) The number of students who have dropped out of school,
- 45 including the reasons for dropping out.
- 46 (20) The number of student work permits revoked.



(21) The number of student driver's licenses revoked.

(22) The number of students who have not advanced to grade 10 due to a lack of completed credits.

(23) The number of students suspended for any reason.

(24) The number of students receiving an international baccalaureate diploma.

(25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 79. IC 20-20-13-6, AS AMENDED BY P.L.2-2007, SECTION 205, AND AS AMENDED BY P.L.234-2007, SECTION 92, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The educational technology program and fund is established to provide and extend educational technologies to elementary and secondary schools for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) providing educational technologies, including computers in the homes of students;

(3) conducting educational technology training for teachers; and

(4) other innovative educational technology programs.

(b) The department may also use money in the fund under contracts entered into with the office of technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) *Postsecondary educational institutions. ~~of higher learning.~~*

(3) *~~Vocational~~ Career and technical educational centers and institutions that are not postsecondary educational institutions.*

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

(3) money directed to the fund from the corporation for



educational technology under IC 20-20-15; or

(4) any combination of the amounts described in subdivisions (1) through (3).

(d) The program and fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund for the department's use in implementing the program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

(f) Subject to section 7 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 20-40-8 for educational technology equipment.

SECTION 80. IC 20-28-2-2, AS AMENDED BY P.L.2-2007, SECTION 213, AND AS AMENDED BY P.L.234-2007, SECTION 107, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The advisory board of the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development. The advisory board consists of nineteen (19) voting members.

(b) Except as otherwise provided, each voting member of the advisory board described in this subsection must be actively employed by a school corporation. Eighteen (18) members shall be appointed by the governor as follows:

(1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.

(2) Two (2) members must:

(A) hold licenses as public school principals;

(B) be actively employed as public school principals; and

(C) be employed at schools having dissimilar grade level configurations.

(3) One (1) member must:

(A) hold a license as a special education director; and

(B) be actively employed as a special education director in:

(i) a school corporation; or

(ii) a public school special education cooperative.

(4) One (1) member must be a member of the governing body of a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(5) Three (3) members must meet the following conditions:

(A) Represent Indiana teacher education units within Indiana public and private *postsecondary educational* institutions. ~~of higher education.~~

(B) Hold a teacher's license but not necessarily an Indiana teacher's license.

(C) Be actively employed by the respective teacher education



1 units.

2 The members described in this subdivision are not required to be

3 employed by a school corporation.

4 (6) Nine (9) members must be licensed and actively employed as

5 Indiana public school teachers in the following categories:

6 (A) At least one (1) member must hold an Indiana standard

7 early childhood education license.

8 (B) At least one (1) member must hold an Indiana teacher's

9 license in elementary education.

10 (C) At least one (1) member must hold an Indiana teacher's

11 license for middle/junior high school education.

12 (D) At least one (1) member must hold an Indiana teacher's

13 license in high school education.

14 (7) One (1) member must be a member of the business

15 community in Indiana but is not required to be actively employed

16 by a school corporation or to hold an Indiana teacher's license.

17 (c) Each member described in subsection (b)(6) must be licensed

18 and actively employed as a practicing teacher in at least one (1) of the

19 following areas to be appointed:

20 (1) At least one (1) member must be licensed in special education.

21 (2) At least one (1) member must be licensed in ~~vocational~~ *career*

22 *and technical* education.

23 (3) At least one (1) member must be employed and licensed in

24 student services, which may include school librarians or

25 psychometric evaluators.

26 (4) At least one (1) member must be licensed in social science

27 education.

28 (5) At least one (1) member must be licensed in fine arts

29 education.

30 (6) At least one (1) member must be licensed in English or

31 language arts education.

32 (7) At least one (1) member must be licensed in mathematics

33 education.

34 (8) At least one (1) member must be licensed in science

35 education.

36 (d) At least one (1) member described in subsection (b) must be a

37 parent of a student enrolled in a public preschool or public school

38 within a school corporation in either kindergarten or any of grades 1

39 through 12.

40 (e) The state superintendent shall serve as an ex officio voting

41 member of the advisory board. The state superintendent may make

42 recommendations to the governor as to the appointment of members on

43 the advisory board.

44 SECTION 81. IC 20-33-1-1, AS AMENDED BY P.L.2-2007,

45 SECTION 225, AND AS AMENDED BY P.L.P.L.234-2007,

46 SECTION 117, IS CORRECTED AND AMENDED TO READ AS



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following is the public policy of the state:

(1) To provide:

(A) equal;

(B) nonsegregated; and

(C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, creed, national origin, color, or sex.

(2) To provide and furnish public schools ~~and common schools~~ ~~equally~~ open ~~equally~~ to all, and prohibited and denied to none because of race, creed, color, or national origin.

(3) To reaffirm the principles of:

(A) the Bill of Rights;

(B) civil rights; and

(C) the Constitution of the State of Indiana.

(4) To provide ~~for the state and the citizens of Indiana~~ a uniform democratic system of public ~~and common~~ school education ~~to the state and the citizens of Indiana~~.

(5) To:

(A) abolish;

(B) eliminate; and

(C) prohibit;

segregated and separate schools or school districts on the basis of race, creed, or color.

(6) To eliminate and prohibit:

(A) segregation;

(B) separation; and

(C) discrimination;

on the basis of race, ~~color, or~~ creed, or color in ~~the public kindergartens, common schools,~~ public schools. ~~career and technical education centers or schools, colleges, and universities of Indiana.~~

SECTION 82. IC 20-35-7-3, AS AMENDED BY P.L.2-2007, SECTION 233, AND AS AMENDED BY P.L.234-2007, SECTION 122, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this chapter, "transition services" means a coordinated set of activities for a student with a disability that:

(1) is designed within an outcome oriented process; and

(2) promotes movement from the public agency to postsecondary school activities, including the following:

(A) Postsecondary education.

(B) ~~Vocational training.~~ Career and technical education that is not postsecondary education.

(C) Integrated employment (including supported employment).

(D) Continuing and adult education.



- 1 (E) Adult services.
- 2 (F) Independent living.
- 3 (G) Community participation.
- 4 (b) The coordinated set of activities described in subsection (a)
- 5 must:
- 6 (1) be based on the individual student's needs, taking into account
- 7 the student's preferences and interests; and
- 8 (2) include the following:
- 9 (A) Instruction.
- 10 (B) Related services.
- 11 (C) Community experiences.
- 12 (D) The development of employment and other postsecondary
- 13 ~~school~~ *educational institution* adult living objectives.
- 14 (E) Where appropriate, acquisition of daily living skills and a
- 15 functional vocational evaluation.

16 SECTION 83. IC 20-42-3-10, AS AMENDED BY P.L.2-2007,
 17 SECTION 239, AND AS AMENDED BY P.L.234-2007, SECTION
 18 132, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 10. The trustee, with the advice
 20 and consent of the township board, shall use the account for the
 21 following educational purposes:

- 22 (1) Each year the trustee shall pay to the parent or legal guardian
- 23 of any child whose residence is within the township, the initial
- 24 cost for the rental of textbooks used in any elementary or
- 25 secondary school that has been accredited by the state. The
- 26 reimbursement for the rental of textbooks shall be for the initial
- 27 yearly rental charge only. Textbooks subsequently lost or
- 28 destroyed may not be paid for from this account.
- 29 (2) Students who are residents of the township for the last two (2)
- 30 years of their secondary education and who still reside within the
- 31 township are entitled to receive financial assistance in an amount
- 32 not to exceed an amount determined by the trustee and the
- 33 township board during an annual review of ~~higher~~ *postsecondary*
- 34 education fees and tuition costs of ~~post-high school~~ education at
- 35 any accredited ~~college, university, junior college, or career and~~
- 36 ~~technical education center or school or trade school.~~
- 37 *postsecondary educational institution*. Amounts to be paid to
- 38 each eligible student shall be set annually after this review. The
- 39 amount paid each year must be:
- 40 (A) equitable for every eligible student without regard to race,
- 41 religion, creed, sex, disability, or national origin; and
- 42 (B) based on the number of students and the amount of funds
- 43 available each year.
- 44 (3) A person who has been a permanent resident of the township
- 45 continuously for at least two (2) years and who needs educational
- 46 assistance for job training or retraining may apply to the trustee



of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the availability of funds.

(4) If all the available funds are not used in any one (1) year, the unused funds shall be retained in the account by the trustee for use in succeeding years.

SECTION 84. IC 20-43-2-3, AS AMENDED BY P.L.234-2007, SECTION 134, AND AS AMENDED BY P.L.234-2007, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a) Except as provided in subsection (b),~~ If the total amount to be distributed:

- (1) as basic tuition support;
- (2) for academic honors diploma awards;
- (3) for primetime distributions;
- (4) for special education grants; and
- (5) for ~~vocational~~ career and technical education grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.

~~(b) The department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with this article without a reduction under this section.~~

SECTION 85. IC 20-43-3-4, AS AMENDED BY P.L.234-2007, SECTION 135, AND AS AMENDED BY P.L.234-2007, SECTION 238, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

- (A) The school corporation's basic tuition support for the year that precedes the current year.
- (B) The school corporation's maximum permissible tuition support levy for the calendar year that precedes the current year, made in determining the school corporation's adjusted tuition support levy for the calendar year.
- (C) The school corporation's excise tax revenue for the year that precedes the current year by two (2) years.

STEP TWO: Subtract from the STEP ONE result an amount equal to the ~~sum of the following~~:

- ~~(A) The~~ reduction in the school corporation's state tuition support under any combination of subsection (b), subsection (c), IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.



~~(B) In 2006, the amount of the school corporation's maximum permissible tuition support levy attributable to the levy transferred from the school corporation's general fund to the school corporation's referendum tax levy fund under IC 20-46-1-6.~~

(b) A school corporation's previous year revenue must be reduced if:

- (1) the school corporation's state tuition support for special education or ~~vocational career and technical~~ education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or ~~vocational career and technical~~ education programs; and
- (2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and ~~vocational career and technical~~ education because of the overstatement.

(c) A school corporation's previous year revenue must be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-5.5-11 before July 1, 2005, or IC 20-24-11 after June 30, 2005. The amount of the reduction equals the product of:

- (1) the sum of the amounts distributed to the conversion charter school under IC 20-5.5-7-3.5(c) and IC 20-5.5-7-3.5(d) before July 1, 2005, and IC 20-24-7-3(c) and IC 20-24-7-3(d) after June 30, 2005; multiplied by
- (2) two (2).

SECTION 86. IC 20-43-4-1, AS AMENDED BY P.L.159-2007, SECTION 4, AND AS AMENDED BY P.L.234-2007, SECTION 136, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An individual is an eligible pupil if the individual is a pupil enrolled in a school corporation and:

- (1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;
- (2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-26-11 because the pupil is transferred for education to another school corporation;
- (3) the pupil is enrolled in a school corporation as a transfer student under IC 20-26-11-6 or entitled to be counted for ADM purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;



(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility *or* child care facility ~~*or foster family home*~~ where the pupil was placed:

(i) by or with the consent of the department of child services;

(ii) by a court order;

(iii) by a child placing agency licensed by the ~~*division of family resources*~~; ~~*or department of child services*~~;

(iv) by a parent or guardian under IC 20-26-11-8; *or*

(v) *by or with the consent of the department under IC 20-35-6-2.*

(b) For purposes of a ~~*vocational*~~ *career and technical* education grant, an eligible pupil includes a student enrolled in a charter school.

SECTION 87. IC 20-43-5-3, AS AMENDED BY P.L.234-2007, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A school corporation's complexity index is determined under the following formula:

STEP ONE: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of the school corporation's students who were eligible for free or reduced price lunches in the school year ending in the later of 2007 or the first year of operation of the school corporation.

(2) Determine the quotient of: ~~the following~~:

(A) in 2008:

(i) two thousand two hundred fifty dollars (\$2,250); divided by

(ii) four thousand seven hundred ninety dollars (\$4,790); and

(B) in 2009:

(i) two thousand four hundred dollars (\$2,400); divided by

(ii) four thousand eight hundred twenty-five dollars (\$4,825).

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount.

STEP TWO: Determine the result of one (1) plus the STEP ONE result.

STEP THREE: This STEP applies if the STEP TWO result is equal to or greater than at least one and twenty-five hundredths



(1.25). Determine the result of the following:

(1) Subtract one and twenty-five hundredths (1.25) from the STEP TWO result.

(2) Determine the result of:

(A) the STEP TWO result; plus

(B) the subdivision (1) result.

The data to be used in making the calculations under STEP ONE ~~of this subsection~~ must be the data collected in the annual pupil enrollment count by the department.

SECTION 88. IC 20-43-5-7, AS AMENDED BY P.L.234-2007, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school corporation's transition to foundation revenue for a calendar year is equal to the sum of the following:

(1) The product of:

(A) the school corporation's transition to foundation amount for the calendar year; multiplied by

(B) the school corporation's:

(i) current ADM, if the current ADM for the school corporation is less than one hundred (100); and

(ii) current adjusted ADM, if item (i) does not apply.

(2) Either:

(A) the result of:

(i) one hundred dollars (\$100) for calendar year 2008 and one hundred fifty dollars (\$150) for calendar year 2009; multiplied by

(ii) the school corporation's adjusted ADM;

if the school corporation's current ADM is less than three thousand and six hundred (3,600) and the amount determined under subdivision (1) is less than the school corporation's previous year revenue; ~~or~~

(B) the result of:

(i) one hundred dollars (\$100) for calendar year 2008 and one hundred fifty dollars (\$150) for calendar year 2009; multiplied by

(ii) the school corporation's adjusted ADM;

if clause (A) does not apply and the result of the amount under subdivision (1) is less than the result of school corporation's previous year revenue multiplied by nine hundred sixty-five thousandths (0.965);

(C) the school corporation's current adjusted ADM multiplied by the lesser of:

(i) one hundred dollars (\$100); or

(ii) the school corporation's STEP TWO amount under section 6 of this chapter;

if clauses (A) and (B) do not apply, the amount under



- subdivision (1) is less than the school corporation's previous year revenue, and the school corporation's result under STEP ONE of section 6 of this chapter is greater than zero (0); **or** (D) zero (0), if clauses (A), (B), and (C) do not apply. ~~and~~
- (3) This subdivision does not apply to a charter school. Either:
- (A) three hundred dollars (\$300) multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and two-tenths (1.2);
- (B) one hundred dollars (\$100) multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and one-tenth (1.1) and not greater than one and two-tenths (1.2);
- or
- (C) zero (0), if clauses (A) and (B) do not apply.

SECTION 89. IC 20-45-3-5, AS AMENDED BY P.L.234-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A school corporation's tax rate floor is the tax rate determined under this section.

(b) The school corporation's ~~The school corporation's~~ tax rate floor for the calendar year is the result under STEP SIX of the following formula:

STEP ONE: Divide the school corporation's total assessed value by the school corporation's current ADM.

STEP TWO: Divide the STEP ONE result by ten thousand (10,000).

STEP THREE: Determine the greater of the following:

(A) The STEP TWO result.

(B) Forty-six dollars (\$46).

STEP FOUR: Determine the result under clause (B):

(A) Subtract the school corporation's foundation amount revenue for the calendar year from the school corporation's total regular program tuition support for the calendar year.

(B) Divide the clause (A) result by the school corporation's current ADM.

STEP FIVE: Divide the STEP FOUR result by the STEP THREE result.

STEP SIX: Divide the STEP FIVE result by one hundred (100).

SECTION 90. IC 21-7-13-9, AS ADDED BY P.L.2-2007, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Board of trustees":

(1) in a law applicable to Ball State University, refers to the Ball State University board of trustees;

(2) in a law applicable to Indiana University, refers to the Indiana



University board of trustees;

(3) in a law applicable to Indiana State University, refers to the Indiana State University board of trustees;

(4) in a law applicable to Ivy Tech Community College, refers to the Ivy Tech Community College of Indiana board of trustees; ~~for if the name of the state educational institution is changed under IC 21-22-2-2, the trustees of the state educational institution with the name designated under IC 21-22-2-2);~~

(5) in a law applicable to Purdue University, refers to the Purdue University board of trustees;

(6) in a law applicable to the University of Southern Indiana, refers to the University of Southern Indiana board of trustees; and

(7) in a law applicable to Vincennes University, refers to the Vincennes University board of trustees.

SECTION 91. IC 21-7-13-29, AS ADDED BY P.L.2-2007, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. ~~"Regional institute"~~ **"Region"** has the meaning set forth in IC 21-22-1-5.

SECTION 92. IC 21-11-9-4, AS AMENDED BY P.L.168-2007, SECTION 5, AND AS AMENDED BY P.L.229-2007, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The commission shall adopt rules under IC 4-22-2 to implement IC 21-12-6, including:

(1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9; ~~and~~

(2) notwithstanding IC 21-12-6-5, rules that may include students who are in grades other than grade 6, 7, or 8 as eligible students; *and*

(3) *rules that allow a student described in IC 21-12-6-5(b) to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not less than six (6) months after graduating from high school.*

SECTION 93. IC 21-12-6-5, AS AMENDED BY P.L.229-2007 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To qualify to participate in the program, a student must meet the following requirements:

(1) Be a resident of Indiana.

(2) Be:

(A) enrolled in grade 7 or 8, for the 2007-2008 school year, and grade 6, 7, or 8, for the 2008-2009 school year and for subsequent school years, at a:

(i) public school; or

(ii) nonpublic school that is accredited either by the state board of education or by a national or regional accrediting



- 1 agency whose accreditation is accepted as a school
 2 improvement plan under IC 20-31-4-2; or
 3 (B) otherwise qualified under the rules of the commission that
 4 are adopted under IC 21-11-9-4 to include students who are in
 5 grades other than grade 8 as eligible students.
 6 (3) Be eligible for free or reduced priced lunches under the
 7 national school lunch program.
 8 (4) Agree, in writing, together with the student's custodial parents
 9 or guardian, that the student will:
 10 (A) graduate from a secondary school located in Indiana that
 11 meets the admission criteria of an eligible institution;
 12 (B) not illegally use controlled substances (as defined in
 13 IC 35-48-1-9);
 14 (C) not commit a crime or an infraction described in
 15 IC 9-30-5;
 16 (D) not commit any other crime or delinquent act (as described
 17 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
 18 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
 19 repeal));
 20 (E) timely apply, when the eligible student is a senior in high
 21 school:
 22 (i) for admission to an eligible institution; and
 23 (ii) for any federal and state student financial assistance
 24 available to the eligible student to attend an eligible
 25 institution; and
 26 (F) achieve a cumulative grade point average upon graduation
 27 of at least 2.0 on a 4.0 grading scale (or its equivalent if
 28 another grading scale is used) for courses taken during grades
 29 9, 10, 11, and 12.
 30 (b) ~~The term includes~~ A student ~~who~~ **is qualified to participate in**
 31 **the program if the student:**
 32 (1) before or during grade 7 or grade 8, is placed by or with the
 33 consent of the department of child services, by a court order, or by
 34 a child placing agency in:
 35 (A) a foster family home;
 36 (B) the home of a relative or other unlicensed caretaker;
 37 (C) a child caring institution; or
 38 (D) a group home;
 39 (2) agrees in writing, together with the student's caseworker (as
 40 defined in IC 31-9-2-11), to the conditions set forth in subsection
 41 (a)(4); and
 42 (3) except as provided in subdivision (2), otherwise meets the
 43 requirements of subsection (a).
 44 SECTION 94. IC 21-14-2-7, AS AMENDED BY P.L.234-2007,
 45 SECTION 271, IS AMENDED TO READ AS FOLLOWS
 46 [EFFECTIVE UPON PASSAGE]: Sec. 7. The rates must be set



1 according to the procedure set forth in section 8 of this chapter: ~~and~~

2 (1) on or before June 30 of the odd-numbered year; or

3 (2) sixty (60) days after the state budget bill is enacted into law;
4 whichever is later.

5 SECTION 95. IC 21-17-4-4, AS ADDED BY P.L.2-2007,
6 SECTION 258, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 4. A private technical,
8 vocational, correspondence, and trade school that is registered under
9 this chapter is **not** entitled to use its registration under this chapter for
10 publicity purposes in any manner.

11 SECTION 96. IC 21-22-2-2, AS AMENDED BY P.L.169-2007,
12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 2. ~~(a)~~ The two (2) year state educational
14 institution established by section 1 of this chapter shall be called "Ivy
15 Tech Community College of Indiana".

16 SECTION 97. IC 21-22-6-8, AS AMENDED BY P.L.169-2007,
17 SECTION 22, AND AS AMENDED BY P.L.234-2007, SECTION 85,
18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: Sec. 8. A regional board shall do the
20 following:

21 (1) Make a careful analysis of the educational needs and
22 opportunities of the region.

23 (2) Develop and recommend to the state board of trustees, a plan
24 for providing postsecondary:

25 (A) general education;

26 (B) liberal arts education; and

27 (C) occupational and technical education;

28 *programs and appropriate workforce development, assessment,*
29 *and training services* for the residents of that region.

30 (3) Develop and recommend a budget for regional programs and
31 operations.

32 (4) Identify and recommend alternative methods of acquiring or
33 securing facilities and equipment necessary for the delivery of
34 effective regional programs.

35 (5) Facilitate and develop regional cooperation with employers,
36 community leaders, economic development efforts, area
37 ~~vocational~~ *career and technical education* centers, and other
38 public and private education and training entities in order to
39 provide postsecondary general, liberal arts, and occupational and
40 technical education and training in an efficient and cost effective
41 manner and to avoid duplication of services.

42 (6) Determine through evaluation, studies, or assessments the
43 degree to which the established training needs of the region are
44 being met.

45 (7) Make recommendations to the state board of trustees
46 concerning policies that appear to substantially affect the regional



board's capacity to deliver effective and efficient programming.

SECTION 98. IC 21-30-6-2, AS ADDED BY P.L.2-2007, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A state educational institution shall keep all money or other proceeds derived from the sale, conveyance, or other disposition of real property received as a gift, bequest, or devise in a separate and distinct fund that is devoted exclusively to the uses designated in the gift, bequest, or devise.

(b) If the uses to which **the** real property may be devoted are not specifically designated or prescribed **in** a gift, bequest, or devise **of real property**, the board of trustees of the state educational institution may determine how to use the proceeds derived from the sale, conveyance, or disposition of the real property.

SECTION 99. IC 21-38-2-3, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A member of the board of trustees of Ivy Tech Community College is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(b) A member of the board of trustees of Ivy Tech Community College is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures **established** by the Indiana department of administration and approved by the budget agency.

SECTION 100. IC 21-41-5-11, AS ADDED BY P.L.2-2007, SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. Ivy Tech Community College may enter into the contracts that are necessary to provide equipment for a data processing school on or off the premises of:

(1) Ivy Tech Community College; or

(2) any of the college's ~~regional institutes~~ **regions**.

SECTION 101. IC 22-3-3-10, AS AMENDED BY P.L.134-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1988, and before July 1, 1989, the



employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(c) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the



total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(g) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of



such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (d)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of



permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be



considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(15) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each



1 degree of permanent impairment above fifty (50), one thousand
2 five hundred dollars (\$1,500) per degree.

3 (2) With respect to injuries occurring on and after July 1, 1992,
4 and before July 1, 1993, for each degree of permanent impairment
5 from one (1) to twenty (20), five hundred dollars (\$500) per
6 degree; for each degree of permanent impairment from
7 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
8 per degree; for each degree of permanent impairment from
9 thirty-six (36) to fifty (50), one thousand three hundred dollars
10 (\$1,300) per degree; for each degree of permanent impairment
11 above fifty (50), one thousand seven hundred dollars (\$1,700) per
12 degree.

13 (3) With respect to injuries occurring on and after July 1, 1993,
14 and before July 1, 1997, for each degree of permanent impairment
15 from one (1) to ten (10), five hundred dollars (\$500) per degree;
16 for each degree of permanent impairment from eleven (11) to
17 twenty (20), seven hundred dollars (\$700) per degree; for each
18 degree of permanent impairment from twenty-one (21) to
19 thirty-five (35), one thousand dollars (\$1,000) per degree; for
20 each degree of permanent impairment from thirty-six (36) to fifty
21 (50), one thousand four hundred dollars (\$1,400) per degree; for
22 each degree of permanent impairment above fifty (50), one
23 thousand seven hundred dollars (\$1,700) per degree.

24 (4) With respect to injuries occurring on and after July 1, 1997,
25 and before July 1, 1998, for each degree of permanent impairment
26 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
27 degree; for each degree of permanent impairment from eleven
28 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
29 for each degree of permanent impairment from thirty-six (36) to
30 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
31 for each degree of permanent impairment above fifty (50), one
32 thousand seven hundred dollars (\$1,700) per degree.

33 (5) With respect to injuries occurring on and after July 1, 1998,
34 and before July 1, 1999, for each degree of permanent impairment
35 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
36 degree; for each degree of permanent impairment from eleven
37 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
38 for each degree of permanent impairment from thirty-six (36) to
39 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
40 for each degree of permanent impairment above fifty (50), one
41 thousand seven hundred dollars (\$1,700) per degree.

42 (6) With respect to injuries occurring on and after July 1, 1999,
43 and before July 1, 2000, for each degree of permanent impairment
44 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
45 for each degree of permanent impairment from eleven (11) to
46 thirty-five (35), one thousand one hundred dollars (\$1,100) per



1 degree; for each degree of permanent impairment from thirty-six
2 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
3 degree; for each degree of permanent impairment above fifty (50),
4 two thousand dollars (\$2,000) per degree.

5 (7) With respect to injuries occurring on and after July 1, 2000,
6 and before July 1, 2001, for each degree of permanent impairment
7 from one (1) to ten (10), one thousand one hundred dollars
8 (\$1,100) per degree; for each degree of permanent impairment
9 from eleven (11) to thirty-five (35), one thousand three hundred
10 dollars (\$1,300) per degree; for each degree of permanent
11 impairment from thirty-six (36) to fifty (50), two thousand dollars
12 (\$2,000) per degree; for each degree of permanent impairment
13 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
14 per degree.

15 (8) With respect to injuries occurring on and after July 1, 2001,
16 and before July 1, 2007, for each degree of permanent impairment
17 from one (1) to ten (10), one thousand three hundred dollars
18 (\$1,300) per degree; for each degree of permanent impairment
19 from eleven (11) to thirty-five (35), one thousand five hundred
20 dollars (\$1,500) per degree; for each degree of permanent
21 impairment from thirty-six (36) to fifty (50), two thousand four
22 hundred dollars (\$2,400) per degree; for each degree of
23 permanent impairment above fifty (50), three thousand dollars
24 (\$3,000) per degree.

25 (9) With respect to injuries occurring on and after July 1, 2007,
26 and before July 1, 2008, for each degree of permanent impairment
27 from one (1) to ten (10), one thousand three hundred forty dollars
28 (\$1,340) per degree; for each degree of permanent impairment
29 from eleven (11) to thirty-five (35), one thousand five hundred
30 forty-five dollars (\$1,545) per degree; for each degree of
31 permanent impairment from thirty-six (36) to fifty (50), two
32 thousand four hundred seventy-five dollars (\$2,475) per degree;
33 for each degree of permanent impairment above fifty (50), three
34 thousand one hundred fifty dollars (\$3,150) per degree.

35 (10) With respect to injuries occurring on and after July 1, 2008,
36 and before July 1, 2009, for each degree of permanent impairment
37 from one (1) to ten (10), one thousand three hundred sixty-five
38 dollars (\$1,365) per degree; for each degree of permanent
39 impairment from eleven (11) to thirty-five (35), one thousand five
40 hundred seventy dollars (\$1,570) per degree; for each degree of
41 permanent impairment from thirty-six (36) to fifty (50), two
42 thousand five hundred twenty-five dollars (\$2,525) per degree; for
43 each degree of permanent impairment above fifty (50), three
44 thousand two hundred dollars (\$3,200) per degree.

45 (11) With respect to injuries occurring on and after July 1, 2009,
46 and before July 1, 2010, for each degree of permanent impairment



from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

~~(11)~~ (13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars



1 (\$954).

2 ~~(+2)~~ (14) With respect to injuries occurring on or after July 1,
3 2009, nine hundred seventy-five dollars (\$975).

4 SECTION 102. IC 22-4-8-2, AS AMENDED BY P.L.2-2007,
5 SECTION 291, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 2. The term "employment" shall
7 include:

8 (a) An individual's entire service performed within or both within
9 and without Indiana if the service is localized in Indiana.

10 (b) An individual's entire service performed within or both within
11 and without Indiana if the service is not localized in any state, but some
12 of the service is performed in Indiana and:

13 (1) the base of operations, or, if there is no base of operations,
14 then the place from which such service is directed or controlled
15 is in Indiana; or

16 (2) the base of operations or place from which such service is
17 directed or controlled is not in any state in which some part of the
18 service is performed but the individual's residence is in Indiana;
19 or

20 (3) such service is not covered under the unemployment
21 compensation law of any other state or Canada, and the place
22 from which the service is directed or controlled is in Indiana.

23 (c) Services not covered under subsections (a) and (b) and
24 performed entirely without Indiana, with respect to no part of which
25 contributions are required and paid under an unemployment
26 compensation law of any other state or of the United States, shall be
27 deemed to be employment subject to this article if the department
28 approves the election of the individual performing such services and
29 the employing unit for which such services are performed, that the
30 entire services of such individual shall be deemed to be employment
31 subject to this article.

32 (d) Services covered by an election duly approved by the
33 department, in accordance with an agreement pursuant to IC 22-4-22-1
34 through IC 22-4-22-5, shall be deemed to be employment during the
35 effective period of such election.

36 (e) Service shall be deemed to be localized within a state if:

37 (1) the service is performed entirely within such state; or

38 (2) the service is performed both within and without such state,
39 but the service performed without such state is incidental to the
40 individual's service within the state, such as is temporary or
41 transitory in nature or consists of isolated transactions.

42 (f) Periods of vacation with pay or leave with pay, other than
43 military leave granted or given to an individual by an employer.

44 (g) Notwithstanding any other provisions of this article, the term
45 employment shall also include all services performed by an officer or
46 member of the crew of an American vessel or American aircraft, on or



in connection with such vessel or such aircraft, provided that the operating office, from which the operations of such vessel operating on navigable waters within or the operations of such aircraft within, or the operation of such vessel or aircraft within and without the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this state.

(h) Services performed for an employer which is subject to contribution solely by reason of liability for any federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund.

(i) The following:

(1) Service performed after December 31, 1971, by an individual in the employ of this state or any of its instrumentalities (or in the employ of this state and one (1) or more other states or their instrumentalities) for a hospital or eligible postsecondary educational institution located in Indiana. ~~and~~

~~(1)~~ **(2)** Service performed after December 31, 1977, by an individual in the employ of this state or a political subdivision of the state or any instrumentality of the state or a political subdivision, or any instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions, if the service is excluded from "employment" as defined in Section 3306(c)(7) of the Federal Unemployment Tax Act (26 U.S.C. 3306(c)(7)). However, service performed after December 31, 1977, as the following is excluded:

(A) An elected official.

(B) A member of a legislative body or of the judiciary of a state or political subdivision.

(C) A member of the state national guard or air national guard.

(D) An employee serving on a temporary basis in the case of fire, snow, storm, earthquake, flood, or similar emergency.

(E) An individual in a position which, under the laws of the state, is designated as:

(i) a major nontenured policymaking or advisory position; or

(ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week.

(3) Service performed after March 31, 1981, by an individual whose service is part of an unemployment work relief or work training program assisted or financed in whole by any federal agency or an agency of this state or a political subdivision of this state, by an individual receiving such work relief or work training is excluded.

(j) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization, but only if the following conditions are met:



(1) The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act (26 U.S.C. 3306(c)(8)); and

(2) The organization had four (4) or more individuals in employment for some portion of a day in each of twenty (20) different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(3) For the purposes of subdivisions (1) and (2), the term "employment" does not apply to service performed as follows:

(A) In the employ of:

(i) a church or convention or association of churches; or

(ii) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches.

(B) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(C) Before January 1, 1978, in the employ of a school which is not an eligible postsecondary educational institution.

(D) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work.

(E) As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(k) The service of an individual who is a citizen of the United States, performed outside the United States (except in Canada), after December 31, 1971, in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection (a), (b), or (e) or the parallel provisions of another state's law), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States; but

(A) The employer is an individual who is a resident of this state; or

(B) The employer is a corporation which is organized under the laws of this state; or



- 1 (C) The employer is a partnership or a trust and the number of
 2 the partners or trustees who are residents of this state is greater
 3 than the number who are residents of any one (1) other state;
 4 or
 5 (3) None of the criteria of subdivisions (1) and (2) is met but the
 6 employer has elected coverage in this state or, the employer
 7 having failed to elect coverage in any state, the individual has
 8 filed a claim for benefits, based on such service, under the law of
 9 this state.
 10 (4) An "American employer," for purposes of this subsection,
 11 means:
 12 (A) An individual who is a resident of the United States; or
 13 (B) A partnership if two-thirds (2/3) or more of the partners
 14 are residents of the United States; or
 15 (C) A trust, if all of the trustees are residents of the United
 16 States; or
 17 (D) A corporation organized under the laws of the United
 18 States or of any state.
 19 (l)(1) Service performed after December 31, 1977, by an individual
 20 in agricultural labor (as defined in section 3(c) of this chapter) when
 21 the service is performed for an employing unit which:
 22 (A) during any calendar quarter in either the current or
 23 preceding calendar year paid cash remuneration of twenty
 24 thousand dollars (\$20,000) or more to individuals employed in
 25 agricultural labor; or
 26 (B) for some portion of a day in each of twenty (20) different
 27 calendar weeks, whether or not the weeks were consecutive, in
 28 either the current or the preceding calendar year, employed in
 29 agricultural labor ten (10) or more individuals, regardless of
 30 whether they were employed at the same time.
 31 (2) For the purposes of this subsection, any individual who is a
 32 member of a crew furnished by a crew leader to perform service in
 33 agricultural labor for any other person shall be treated as an employee
 34 of the crew leader:
 35 (A) if the crew leader holds a valid certificate of registration
 36 under the Farm Labor Contractor Registration Act of 1963, or
 37 substantially all the members of the crew operate or maintain
 38 tractors, mechanized harvesting or crop dusting equipment, or
 39 any other mechanized equipment, which is provided by the
 40 crew leader; and
 41 (B) if the individual is not an employee of another person
 42 within the meaning of section 1 of this chapter.
 43 (3) For the purposes of subdivision (1), in the case of an individual
 44 who is furnished by a crew leader to perform service in agricultural
 45 labor for any other person and who is not treated as an employee of the
 46 crew leader under subdivision (2):



(A) the other person and not the crew leader shall be treated as the employer of the individual; and

(B) the other person shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader (either on the individual's own behalf or on behalf of the other person) for the service in agricultural labor performed for the other person.

(4) For the purposes of this subsection, the term "crew leader" means an individual who:

(A) furnishes individuals to perform service in agricultural labor for any other person;

(B) pays (either on the individual's own behalf or on behalf of the other person) the agricultural laborers furnished by the individual for the service in agricultural labor performed by them; and

(C) has not entered into a written agreement with the other person under which the individual is designated as an employee of the other person.

(m) The term "employment" includes domestic service after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of one thousand dollars (\$1,000) or more after December 31, 1977, in the current calendar year or the preceding calendar year to individuals employed in the domestic service in any calendar quarter.

SECTION 103. IC 22-4-17-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) When an individual files an initial claim, the individual shall be advised of the following:

(1) Unemployment compensation is subject to federal, state, and local income taxes.

(2) Requirements exist concerning estimated tax payments.

(3) After December 31, 1996, the individual may elect to have income taxes withheld from the individual's payment of unemployment compensation. If an election is made, the department shall ~~make the following withholdings for federal, state, and local income taxes:~~ (A) ~~withhold~~ federal income tax ~~will be withheld by the department~~ at the applicable rate provided in the Internal Revenue Code.

(4) An individual is allowed to change an election made under this section.

(b) Money withheld from unemployment compensation under this section shall remain in the unemployment fund until transferred to the federal taxing authority for payment of income taxes.

(c) The commissioner shall follow all procedures of the United



1 States Department of Labor and the Internal Revenue Service
2 concerning the withholding of income taxes.

3 (d) Money shall be deducted and withheld in accordance with the
4 priorities established in regulations developed by the commissioner.

5 SECTION 104. IC 22-4.1-2-2, AS AMENDED BY P.L.140-2007,
6 SECTION 6, AND AS AMENDED BY P.L.234-2007, SECTION 144,
7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 2. The department is comprised
9 of the following entities reorganized within the department:

10 (1) The department of employment and training services,
11 including the following:

12 (A) The unemployment insurance board.

13 (B) The unemployment insurance review board.

14 (2) The office of workforce literacy established by IC 22-4.1-10-1.

15 (3) The Indiana commission ~~on vocational~~ for career and
16 technical education established by IC 22-4.1-13-6.

17 ~~(4) The workforce proficiency panel established by~~
18 ~~IC 22-4.1-16-2.~~

19 SECTION 105. IC 22-4.1-4-1, AS AMENDED BY P.L.140-2007,
20 SECTION 7, AND AS AMENDED BY P.L.234-2007, SECTION 146,
21 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: Sec. 1. The department may
23 undertake duties identified by the commissioner as related to workforce
24 development initiatives that were required of or authorized to be
25 undertaken before July 1, 1994, by:

26 (1) the department of employment and training services;

27 (2) the office of workforce literacy established by IC 22-4.1-10-1;
28 or

29 (3) the Indiana commission ~~on vocational~~ for career and
30 technical education established by IC 22-4.1-13-6. ~~or~~

31 ~~(4) the workforce proficiency panel established by~~
32 ~~IC 22-4.1-16-2.~~

33 SECTION 106. IC 22-4.1-14-6, AS AMENDED BY P.L.140-2007,
34 SECTION 8, AND AS AMENDED BY P.L.234-2007, SECTION 162,
35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 6. Each workforce partnership
37 plan must do the following:

38 (1) Address the need to maximize:

39 (A) the use of ~~vocational~~ career and technical education
40 programs and services; and

41 (B) the articulation of ~~vocational~~ career and technical
42 education programs;

43 between the secondary level and postsecondary level.

44 (2) Identify ~~vocational~~ career and technical education program
45 groupings to coordinate ~~vocational~~ career and technical
46 education programs within a geographic area.



(3) Identify particular certificates of achievement under IC 20-32-3 and ~~IC 21-43-3~~ and indicate the circumstances under which a state educational institution may elect to grant academic credit to a student who does the following:

(A) Acquires the particular certificate of achievement.

(B) Satisfies the standards for receipt of academic credit as determined by the state educational institution.

(4) Provide for the use of joint secondary level and postsecondary level faculty committees to organize ~~vocational~~ career and technical education program articulation.

(5) Comply with 20 U.S.C. 2301 et seq.

SECTION 107. IC 23-2-5-5, AS AMENDED BY P.L.230-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An application for license or renewal of a license must contain:

(1) consent to service of process under subsection (h);

(2) evidence of the bond required in subsection (e);

(3) an application fee of four hundred dollars (\$400), plus two hundred dollars (\$200) for each ultimate equitable owner;

(4) an affidavit affirming that none of the applicant's ultimate equitable owners, directors, managers, or officers have been convicted, in any jurisdiction, of an offense involving fraud or deception that is punishable by at least one (1) year of imprisonment, unless waived by the commissioner under subsection ~~(f)~~; (i);

(5) evidence that the applicant, if the applicant is an individual, has completed the education requirements under section 21 of this chapter;

(6) the name and registration number for each originator to be employed by the licensee;

(7) the name and registration number for each principal manager; and

(8) for each ultimate equitable owner, the following information:

~~(1)~~ (A) The name of the ultimate equitable owner.

~~(2)~~ (B) The address of the ultimate equitable owner, including the home address of the ultimate equitable owner if the ultimate equitable owner is an individual.

~~(3)~~ (C) The telephone number of the ultimate equitable owner, including the home telephone number if the ultimate equitable owner is an individual.

~~(4)~~ (D) The ultimate equitable owner's Social Security number and date of birth, if the ultimate equitable owner is an individual.

(b) An application for registration as an originator shall be made on a registration form prescribed by the commissioner. The application must include the following information for the individual that seeks to



- 1 be registered as an originator:
- 2 (1) The name of the individual.
- 3 (2) The home address of the individual.
- 4 (3) The home telephone number of the individual.
- 5 (4) The individual's Social Security number and date of birth.
- 6 (5) The name of the:
- 7 (A) licensee; or
- 8 (B) applicant for licensure;
- 9 for whom the individual seeks to be employed as an originator.
- 10 (6) Consent to service of process under subsection (h).
- 11 (7) Evidence that the individual has completed the education
- 12 requirements described in section 21 of this chapter.
- 13 (8) An application fee of one hundred dollars (\$100).
- 14 (9) All registration numbers previously issued to the individual
- 15 under this chapter, if applicable.
- 16 (c) An application for registration as a principal manager shall be
- 17 made on a registration form prescribed by the commissioner. The
- 18 application must include the following information for the individual
- 19 who seeks to be registered as a principal manager:
- 20 (1) The name of the individual.
- 21 (2) The home address of the individual.
- 22 (3) The home telephone number of the individual.
- 23 (4) The individual's Social Security number and date of birth.
- 24 (5) The name of the:
- 25 (A) licensee; or
- 26 (B) applicant for licensure;
- 27 for whom the individual seeks to be employed as a principal
- 28 manager.
- 29 (6) Consent to service of process under subsection (h).
- 30 (7) Evidence that the individual has completed the education
- 31 requirements described in section 21 of this chapter.
- 32 (8) Evidence that the individual has at least three (3) years of
- 33 experience in the:
- 34 (A) loan brokerage; or
- 35 (B) financial services;
- 36 business.
- 37 (9) An application fee of two hundred dollars (\$200).
- 38 (10) All registration numbers previously issued to the individual,
- 39 if applicable.
- 40 (d) The commissioner shall require an applicant for registration as:
- 41 (1) an originator under subsection (b); or
- 42 (2) a principal manager under subsection (c);
- 43 to pass a written examination prepared and administered by the
- 44 commissioner or an agent appointed by the commissioner.
- 45 (e) A licensee must maintain a bond satisfactory to the
- 46 commissioner in the amount of fifty thousand dollars (\$50,000), which



1 shall be in favor of the state and shall secure payment of damages to
 2 any person aggrieved by any violation of this chapter by the licensee.

3 (f) The commissioner shall issue a license and license number to an
 4 applicant that meets the licensure requirements of this chapter.
 5 Whenever the registration provisions of this chapter have been
 6 complied with, the commissioner shall issue a certificate of registration
 7 and registration number authorizing the registrant to:

8 (1) engage in origination activities; or

9 (2) act as a principal manager;

10 whichever applies.

11 (g) Licenses and initial certificates of registration issued by the
 12 commissioner are valid until January 1 of the second year after
 13 issuance.

14 (h) Every applicant for licensure or registration or for renewal of a
 15 license or a registration shall file with the commissioner, in such form
 16 as the commissioner by rule or order prescribes, an irrevocable consent
 17 appointing the secretary of state to be the applicant's agent to receive
 18 service of any lawful process in any noncriminal suit, action, or
 19 proceeding against the applicant arising from the violation of any
 20 provision of this chapter. Service shall be made in accordance with the
 21 Indiana Rules of Trial Procedure.

22 (i) Upon good cause shown, the commissioner may waive the
 23 requirements of subsection (a)(4) for one (1) or more of an applicant's
 24 ultimate equitable owners, directors, managers, or officers.

25 (j) Whenever an initial or a renewal application for a license or
 26 registration is denied or withdrawn, the commissioner shall retain the
 27 initial or renewal application fee paid.

28 (k) The commissioner shall require each:

29 (1) equitable owner; and

30 (2) applicant for registration as:

31 (A) an originator; or

32 (B) a principal manager;

33 to undergo a criminal background check at the expense of the equitable
 34 owner or applicant.

35 (l) The commissioner may check the qualifications, background,
 36 licensing status, and service history of each:

37 (1) equitable owner; and

38 (2) applicant for registration as:

39 (A) an originator; or

40 (B) a principal manager;

41 by accessing, upon availability, a multistate automated licensing system
 42 for mortgage brokers and originators, including the National Mortgage
 43 Licensing Database proposed by the Conference of State Bank
 44 Supervisors and the American Association of Residential Mortgage
 45 Regulators. The equitable owner or the applicant shall pay any fees or
 46 costs associated with a check conducted under this subsection.



1 SECTION 108. IC 23-14-48-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) In addition
 3 to meeting the requirements of sections 1 through 3 of this chapter, a
 4 cemetery that:

5 (1) is organized after March 6, 1953, and before July 1, 1997, by
 6 incorporation, association, individually, or any other means; or

7 (2) has its first burial after March 6, 1953, and before July 1,
 8 1997;

9 shall, before disposing of a burial lot or right, making a sale of a burial
 10 lot or right, or making its first burial, cause to be deposited in a
 11 financial institution the sum of twenty-five thousand dollars (\$25,000)
 12 in cash in the perpetual care fund or endowment care fund established
 13 under this chapter for the maintenance of the cemetery.

14 (b) The cemetery owner shall designate the financial institution as
 15 trustee of the fund. The financial institution must execute an affidavit
 16 stating that it has accepted the trusteeship of the fund and that the
 17 twenty-five thousand dollars (\$25,000) has been deposited in the fund.

18 The cemetery shall:

19 (1) exhibit the affidavit in the principal office of the cemetery;

20 (2) keep the affidavit available at all times for examination; and

21 (3) record the affidavit in the miscellaneous records in the office
 22 of the recorder in the county in which the cemetery is located.

23 (c) When the cemetery has deposited in the perpetual care fund or
 24 endowment care fund, as required by this section, fifty thousand dollars
 25 (\$50,000):

26 (1) the cemetery shall submit proof of this fact to its trustee; and

27 (2) the trustee shall pay over to the cemetery the amount of
 28 twenty-five thousand dollars (\$25,000) that the cemetery
 29 deposited in the fund under ~~subsection (c):~~ **subsection (a).**

30 SECTION 109. IC 23-14-48-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) In addition
 32 to meeting the requirements of sections 1 through 3 of this chapter, a
 33 cemetery that:

34 (1) is organized after June 30, 1997, by incorporation, or any
 35 other means; or

36 (2) has its first burial, entombment, or inurnment after June 30,
 37 1997;

38 shall, before disposing of a burial lot or right, making a sale of a burial
 39 lot or right, or making its first burial, entombment, or inurnment cause
 40 to be deposited in a financial institution one hundred thousand dollars
 41 (\$100,000) in cash in the perpetual care fund or endowment care fund
 42 established under this chapter for the maintenance of the cemetery.

43 (b) The cemetery owner shall designate the financial institution as
 44 trustee of the fund. The financial institution must execute an affidavit
 45 stating that it has accepted the trusteeship of the fund and that the one
 46 hundred thousand dollars (\$100,000) has been deposited in the fund.



- 1 The cemetery shall:
- 2 (1) exhibit the affidavit in the principal office of the cemetery;
- 3 (2) keep the affidavit available at all times for examination; and
- 4 (3) record the affidavit in the miscellaneous records in the office
- 5 of the recorder of the county in which the cemetery is located.
- 6 (c) When the cemetery has deposited in the perpetual care fund or
- 7 endowment care fund, as required by this section, two hundred
- 8 thousand dollars (\$200,000):
- 9 (1) the cemetery shall submit proof of this fact to its trustee; and
- 10 (2) the trustee shall pay over to the cemetery one hundred
- 11 thousand dollars (\$100,000) that the cemetery deposited in the
- 12 fund under ~~subsection (b)~~: **subsection (a)**.
- 13 SECTION 110. IC 23-14-55-2, AS AMENDED BY P.L.102-2007,
- 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (d),
- 16 the owner of a cemetery is authorized to inter, entomb, or inurn the
- 17 body or cremated remains of a deceased human upon the receipt of a
- 18 written authorization of an individual who professes either of the
- 19 following:
- 20 (1) To be (in the priority listed) one (1) of the following:
- 21 (A) An individual who possesses a health care power of
- 22 attorney of the decedent, unless the power of attorney prohibits
- 23 the individual from making plans for the disposition of the
- 24 decedent's body.
- 25 (B) The individual who was the spouse of the decedent at the
- 26 time of the decedent's death.
- 27 (C) The decedent's surviving adult child. If more than one (1)
- 28 adult child is surviving, any adult child who confirms in
- 29 writing that the other adult children have been notified, unless
- 30 the owner of the cemetery receives a written objection to the
- 31 disposition from another adult child.
- 32 (D) The decedent's surviving parent. If the decedent is
- 33 survived by both parents, either parent ~~may serve as the~~
- 34 ~~authorizing agent~~ unless the cemetery owner receives a written
- 35 objection to the disposition from the other parent.
- 36 (E) The individual in the next degree of kinship under
- 37 IC 29-1-2-1 to inherit the estate of the decedent. If more than
- 38 one (1) individual of the same degree of kinship is surviving,
- 39 any person of that degree ~~may serve as the authorizing agent~~
- 40 unless the cemetery owner receives a written objection to the
- 41 disposition from one (1) or more persons of the same degree
- 42 of kinship.
- 43 (2) To have acquired the right to control the disposition of the
- 44 deceased human body or cremated remains.
- 45 The owner of a cemetery may accept the authorization of an individual
- 46 only if all other individuals of the same priority or a higher priority



(according to the priority listing in this subsection) are deceased, are barred from authorizing the disposition of the deceased human body or cremated remains under subsection (d), or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) A cemetery owner is not liable in any action for making an interment, entombment, or inurnment under a written authorization described in subsection (a) unless the cemetery owner had actual notice that the representation made under subsection (a) by the individual who issued the written authorization was untrue.

(c) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the remains.

(d) If:

- (1) the death of the decedent appears to have been the result of:
 - (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize the disposition of the decedent's body or cremated remains.

(e) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner of the determination referred to in subsection (d)(2).

SECTION 111. IC 24-4-15-5, AS ADDED BY P.L.129-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An owner or operator of a health club shall do the following:

- (1) Ensure that a defibrillator is located on the health club premises and is easily accessible to the health club staff, members, and guests.
- (2) Employ at least one (1) individual who:
 - (A) has satisfactorily completed a course approved by the American Red Cross or the American Heart Association; and
 - (B) is currently certified;

in cardiopulmonary resuscitation and defibrillator use.
- (3) Reasonably ensure that at least one (1) individual described under subdivision (2) is on the health club premises when staff is present at the health club during the health club's business hours.
- (4) A health club that is not staffed must have the following on



the premises:

(A) A telephone for 911 telephone call access.

(B) A sign in plain view containing an advisory warning that indicates that members of the unstaffed health ~~spa~~ **club** should be aware that working out alone may pose risks to the health ~~spa~~ **club** member's health and safety.

(C) A sign in plain view providing instruction in the use of the automated external defibrillator and in cardiopulmonary resuscitation.

(5) Ensure compliance with the requirements set forth in IC 16-31-6.5.

(6) Post a sign at each entrance to the health club that indicates the location of each defibrillator.

SECTION 112. IC 25-1-2-6, AS AMENDED BY P.L.185-2007, SECTION 1, AND AS AMENDED BY P.L.200-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

(4) Board of registration for architects **and** landscape architects. ~~and registered interior designers.~~

(5) State board of barber examiners.

(6) State board of cosmetology examiners.

(7) Medical licensing board of Indiana.

(8) Secretary of state.

(9) State board of dentistry.

(10) State board of funeral and cemetery service.

(11) Worker's compensation board of Indiana.

(12) Indiana state board of health facility administrators.

(13) Committee of hearing aid dealer examiners.

(14) Indiana state board of nursing.

(15) Indiana optometry board.

(16) Indiana board of pharmacy.

(17) Indiana plumbing commission.

(18) Board of podiatric medicine.

(19) Private ~~detectives~~ *investigator and security guard* licensing board.

(20) State board of registration for professional engineers.



- 1 (21) Board of environmental health specialists.
- 2 (22) State psychology board.
- 3 (23) Indiana real estate commission.
- 4 (24) Speech-language pathology and audiology board.
- 5 (25) Department of natural resources.
- 6 (26) State boxing commission.
- 7 (27) Board of chiropractic examiners.
- 8 (28) Mining board.
- 9 (29) Indiana board of veterinary medical examiners.
- 10 (30) State department of health.
- 11 (31) Indiana physical therapy committee.
- 12 (32) Respiratory care committee.
- 13 (33) Occupational therapy committee.
- 14 (34) Social worker, marriage and family therapist, and mental
- 15 health counselor board.
- 16 (35) Real estate appraiser licensure and certification board.
- 17 (36) State board of registration for land surveyors.
- 18 (37) Physician assistant committee.
- 19 (38) Indiana dietitians certification board.
- 20 (39) Indiana hypnotist committee.
- 21 (40) Attorney general (only for the regulation of athlete agents).
- 22 (41) Manufactured home installer licensing board.
- 23 (42) Home inspectors licensing board.
- 24 (43) *State board of massage therapy.*
- 25 ~~(43)~~ (44) Any other occupational or professional agency created
- 26 after June 30, 1981.

27 (c) Notwithstanding any other law, the entities included in
 28 subsection (b) shall send a notice of the upcoming expiration of a
 29 license to each licensee at least sixty (60) days prior to the expiration
 30 of the license. The notice must inform the licensee of the need to renew
 31 and the requirement of payment of the renewal fee. If this notice of
 32 expiration is not sent by the entity, the licensee is not subject to a
 33 sanction for failure to renew if, once notice is received from the entity,
 34 the license is renewed within forty-five (45) days of the receipt of the
 35 notice.

36 SECTION 113. IC 25-1-4-0.3, AS AMENDED BY P.L.185-2007,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 0.3. As used in this chapter, "board" means
 39 any of the following:

- 40 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 41 (2) Board of registration for architects **and** landscape architects
- 42 **and registered interior designers** (IC 25-4-1-2).
- 43 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 44 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 45 (5) State board of barber examiners (IC 25-7-5-1).
- 46 (6) State boxing commission (IC 25-9-1).



- 1 (7) Board of chiropractic examiners (IC 25-10-1).
- 2 (8) State board of cosmetology examiners (IC 25-8-3-1).
- 3 (9) State board of dentistry (IC 25-14-1).
- 4 (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- 5 (11) State board of registration for professional engineers
- 6 (IC 25-31-1-3).
- 7 (12) Board of environmental health specialists (IC 25-32-1).
- 8 (13) State board of funeral and cemetery service (IC 25-15-9).
- 9 (14) Indiana state board of health facility administrators
- 10 (IC 25-19-1).
- 11 (15) Committee on of hearing aid dealer examiners
- 12 (IC 25-20-1-1.5).
- 13 (16) Home inspectors licensing board (IC 25-20.2-3-1).
- 14 (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- 15 (18) State board of registration for land surveyors
- 16 (IC 25-21.5-2-1).
- 17 (19) Manufactured home installer licensing board (IC 25-23.7).
- 18 (20) Medical licensing board of Indiana (IC 25-22.5-2).
- 19 (21) Indiana state board of nursing (IC 25-23-1).
- 20 (22) Occupational therapy committee (IC 25-23.5).
- 21 (23) Indiana optometry board (IC 25-24).
- 22 (24) Indiana board of pharmacy (IC 25-26).
- 23 (25) Indiana physical therapy committee (IC 25-27-1).
- 24 (26) Physician assistant committee (IC 25-27.5).
- 25 (27) Indiana plumbing commission (IC 25-28.5-1-3).
- 26 (28) Board of podiatric medicine (IC 25-29-2-1).
- 27 (29) Private investigator and security guard licensing board
- 28 (IC 25-30-1-5.2).
- 29 (30) State psychology board (IC 25-33).
- 30 (31) Indiana real estate commission (IC 25-34.1-2).
- 31 (32) Real estate appraiser licensure and certification board
- 32 (IC 25-34.1-8).
- 33 (33) Respiratory care committee (IC 25-34.5).
- 34 (34) Social worker, marriage and family therapist, and mental
- 35 health counselor board (IC 25-23.6).
- 36 (35) Speech-language pathology and audiology board
- 37 (IC 25-35.6-2).
- 38 (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 39 SECTION 114. IC 25-1-6-3, AS AMENDED BY P.L.185-2007,
- 40 SECTION 3, AND AS AMENDED BY P.L.200-2007, SECTION 4, IS
- 41 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 42 PASSAGE]: Sec. 3. (a) The licensing agency shall perform all
- 43 administrative functions, duties, and responsibilities assigned by law
- 44 or rule to the executive director, secretary, or other statutory
- 45 administrator of the following:
- 46 (1) Indiana board of accountancy (IC 25-2.1-2-1).



- (2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private ~~detectives~~ *investigator and security guard* licensing board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) *State board of massage therapy* (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 115. IC 25-1-7-1, AS AMENDED BY P.L.185-2007, SECTION 4, AS AMENDED BY P.L.193-2007, SECTION 4, AND AS AMENDED BY P.L.200-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects **and** landscape architects **and registered interior designers** (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).



- 1 (5) State boxing commission (IC 25-9-1).
- 2 (6) Board of chiropractic examiners (IC 25-10-1).
- 3 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 4 (8) State board of dentistry (IC 25-14-1).
- 5 (9) State board of funeral and cemetery service (IC 25-15-9).
- 6 (10) State board of registration for professional engineers
- 7 (IC 25-31-1-3).
- 8 (11) Indiana state board of health facility administrators
- 9 (IC 25-19-1).
- 10 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 11 (13) Indiana state board of nursing (IC 25-23-1).
- 12 (14) Indiana optometry board (IC 25-24).
- 13 (15) Indiana board of pharmacy (IC 25-26).
- 14 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 15 (17) Board of podiatric medicine (IC 25-29-2-1).
- 16 (18) Board of environmental health specialists (IC 25-32-1).
- 17 (19) State psychology board (IC 25-33).
- 18 (20) Speech-language pathology and audiology board
- 19 (IC 25-35.6-2).
- 20 (21) Indiana real estate commission (IC 25-34.1-2).
- 21 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 22 (23) Department of natural resources for purposes of licensing
- 23 water well drillers under IC 25-39-3.
- 24 (24) Respiratory care committee (IC 25-34.5).
- 25 (25) Private ~~detectives~~ investigator and security guard licensing
- 26 board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- 27 (26) Occupational therapy committee (IC 25-23.5).
- 28 (27) Social worker, marriage and family therapist, and mental
- 29 health counselor board (IC 25-23.6).
- 30 (28) Real estate appraiser licensure and certification board
- 31 (IC 25-34.1-8).
- 32 (29) State board of registration for land surveyors
- 33 (IC 25-21.5-2-1).
- 34 (30) Physician assistant committee (IC 25-27.5).
- 35 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 36 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 37 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 38 (34) Indiana physical therapy committee (IC 25-27).
- 39 (35) Manufactured home installer licensing board (IC 25-23.7).
- 40 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 41 *(37) State department of health.*
- 42 ~~(37)~~ **(38)** *State board of massage therapy (IC 25-21.8-2-1).*
- 43 ~~(37)~~ ~~(38)~~ **(39)** Any other occupational or professional agency
- 44 created after June 30, 1981.

45 SECTION 116. IC 25-1-8-1, AS AMENDED BY P.L.185-2007,
 46 SECTION 5, AND AS AMENDED BY P.L.200-2007, SECTION 6, IS



1 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
2 PASSAGE]: Sec. 1. As used in this chapter, "board" means any of the
3 following:

- 4 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 5 (2) Board of registration for architects **and** landscape architects
6 **and registered interior designers** (IC 25-4-1-2).
- 7 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 8 (4) State board of barber examiners (IC 25-7-5-1).
- 9 (5) State boxing commission (IC 25-9-1).
- 10 (6) Board of chiropractic examiners (IC 25-10-1).
- 11 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 12 (8) State board of dentistry (IC 25-14-1).
- 13 (9) State board of funeral and cemetery service (IC 25-15).
- 14 (10) State board of registration for professional engineers
15 (IC 25-31-1-3).
- 16 (11) Indiana state board of health facility administrators
17 (IC 25-19-1).
- 18 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 19 (13) Mining board (IC 22-10-1.5-2).
- 20 (14) Indiana state board of nursing (IC 25-23-1).
- 21 (15) Indiana optometry board (IC 25-24).
- 22 (16) Indiana board of pharmacy (IC 25-26).
- 23 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 24 (18) Board of environmental health specialists (IC 25-32-1).
- 25 (19) State psychology board (IC 25-33).
- 26 (20) Speech-language pathology and audiology board
27 (IC 25-35.6-2).
- 28 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 29 (22) Indiana board of veterinary medical examiners
30 (IC 15-5-1.1-3).
- 31 (23) Department of insurance (IC 27-1).
- 32 (24) State police department (IC 10-11-2-4), for purposes of
33 certifying polygraph examiners under IC 25-30-2.
- 34 (25) Department of natural resources for purposes of licensing
35 water well drillers under IC 25-39-3.
- 36 (26) Private ~~detectives~~ *investigator and security guard* licensing
37 board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- 38 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 39 (28) Social worker, marriage and family therapist, and mental
40 health counselor board (IC 25-23.6-2-1).
- 41 (29) Real estate appraiser licensure and certification board
42 (IC 25-34.1-8).
- 43 (30) State board of registration for land surveyors
44 (IC 25-21.5-2-1).
- 45 (31) Physician assistant committee (IC 25-27.5).
- 46 (32) Indiana athletic trainers board (IC 25-5.1-2-1).



- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) *State board of massage therapy (IC 25-21.8-2-1).*
- ~~(38)~~ (39) Any other occupational or professional agency created after June 30, 1981.

SECTION 117. IC 25-1-8-6, AS AMENDED BY P.L.185-2007, SECTION 6, AND AS AMENDED BY P.L.197-2007, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects **and** landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee ~~on~~ of hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).



(29) Private ~~detectives~~ investigator and security guard licensing board ~~(IC 25-30-1-5.1)~~. (IC 25-30-1-5.2).

(30) State psychology board (IC 25-33).

(31) Indiana real estate commission (IC 25-34.1-2).

(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(33) Respiratory care committee (IC 25-34.5).

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(35) Speech-language pathology and audiology board (IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period~~; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial



1 application fee.

2 (4) If a law requires the holder to complete continuing education
3 as a condition of renewal, the holder:

4 (A) shall provide the board with a sworn statement, signed by
5 the holder, that the holder has fulfilled the continuing
6 education requirements required by the board; *for the current*
7 *renewal period*; or

8 (B) shall, if the holder has not complied with the continuing
9 education requirements, meet any requirements imposed
10 under IC 25-1-4-5 and IC 25-1-4-6.

11 (5) Complete such remediation and additional training as deemed
12 appropriate by the board given the lapse of time involved.

13 (6) Any other requirement that is provided for in statute or rule
14 that is not related to fees.

15 SECTION 118. IC 25-1-11-1, AS AMENDED BY P.L.185-2007,
16 SECTION 7, AND AS AMENDED BY P.L.200-2007, SECTION 7, IS
17 CORRECTED AND AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter,
19 "board" means any of the following:

20 (1) Indiana board of accountancy (IC 25-2.1-2-1).

21 (2) Board of registration for architects **and** landscape architects
22 **and registered interior designers** (IC 25-4-1-2).

23 (3) Indiana auctioneer commission (IC 25-6.1-2).

24 (4) State board of barber examiners (IC 25-7-5-1).

25 (5) State boxing commission (IC 25-9-1).

26 (6) State board of cosmetology examiners (IC 25-8-3-1).

27 (7) State board of registration of land surveyors (IC 25-21.5-2-1).

28 (8) State board of funeral and cemetery service (IC 25-15-9).

29 (9) State board of registration for professional engineers
30 (IC 25-31-1-3).

31 (10) Indiana plumbing commission (IC 25-28.5-1-3).

32 (11) Indiana real estate commission (IC 25-34.1-2-1).

33 (12) Real estate appraiser licensure **and** certification board
34 (IC 25-34.1-8).

35 (13) Private ~~detectives~~ investigator and security guard licensing
36 board (~~IC 25-30-1-5.1~~). (IC 25-30-1-5.2).

37 (14) Manufactured home installer licensing board (IC 25-23.7).

38 (15) Home inspectors licensing board (IC 25-20.2-3-1).

39 (16) State board of massage therapy (IC 25-21.8-2-1).

40 SECTION 119. IC 25-1-11-13, AS AMENDED BY P.L.197-2007,
41 SECTION 25, AND AS AMENDED BY P.L.209-2007, SECTION 3,
42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
43 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The board may
44 summarily suspend a practitioner's license for ninety (90) days before
45 a final adjudication or during the appeals process if the board finds that
46 a practitioner represents a clear and immediate danger to the public's



1 health, safety, or property if the practitioner is allowed to continue to
 2 practice. The summary suspension may be renewed upon a hearing
 3 before the board, and each renewal may be for not more than ninety
 4 (90) days.

5 (b) The board may summarily suspend the license of a real estate
 6 appraiser for ninety (90) days before a final adjudication or during the
 7 appeals process if the board finds that the licensed real estate ~~license~~
 8 appraiser has engaged in material and intentional misrepresentations
 9 or omissions in the preparation of *at least* three (3) ~~or more~~ written
 10 appraisal reports that were submitted by a person to obtain a loan. The
 11 summary suspension may be renewed ~~upon~~ *after* a hearing before the
 12 board. Each renewal *of a summary suspension* may ~~not~~ be for *not* more
 13 than ninety (90) days.

14 (c) Before the board may summarily suspend a license under this
 15 section, the consumer protection division of the *office of the* attorney
 16 general ~~general's office must~~ *shall* make a reasonable attempt to notify
 17 a practitioner of:

- 18 (1) a hearing by the board to suspend a practitioner's license; and
- 19 (2) ~~of~~ information regarding the allegation against the
 20 practitioner.

21 The consumer protection division of the *office of the* attorney general
 22 ~~general's office must~~ *shall* also notify the practitioner that the
 23 practitioner may provide a written or an oral statement to the board on
 24 the practitioner's behalf before the board issues an order for summary
 25 suspension. A reasonable attempt to ~~reach~~ *notify* the practitioner is
 26 made if the consumer protection division of the *office of the* attorney
 27 general ~~general's office~~ attempts to ~~reach~~ *notify* the practitioner by
 28 telephone or facsimile at the last telephone number *or facsimile*
 29 *number* of the practitioner on file with the board.

30 SECTION 120. IC 25-15-9-18, AS AMENDED BY P.L.102-2007,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 18. (a) Except as provided in subsection (b),
 33 the following persons, in the order of priority indicated, have the
 34 authority to designate the manner, type, and selection of the final
 35 disposition and interment of human remains:

- 36 (1) An individual who possesses a health care power of attorney
 37 of the decedent, unless the power of attorney prohibits the
 38 individual from making plans for the disposition of the decedent's
 39 body.
- 40 (2) The individual who was the spouse of the decedent at the time
 41 of the decedent's death.
- 42 (3) The decedent's surviving adult child. If more than one (1)
 43 adult child is surviving, any adult child who confirms in writing
 44 that the other adult children have been notified, unless the
 45 licensed funeral director or licensed funeral home receives a
 46 written objection from another adult child.



(4) The decedent's surviving parent. If the decedent is survived by both parents, either parent has the authority unless the licensed funeral director or licensed funeral home receives a written objection from the other parent.

(5) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree survives, any person of that degree has the authority unless the licensed funeral director or licensed funeral home receives a written objection from one (1) or more persons of the same degree.

(6) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following: ~~may serve as the authorizing agent:~~

(A) If none of the persons identified in subdivisions (1) through (5) is available:

(i) a public administrator, including a responsible township trustee or the trustee's designee; or

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition and internment of human remains.

(c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the **cemetery owner or** crematory authority of the determination ~~of the person referred to in~~ **under** subsection (b)(2).

SECTION 121. IC 25-34.1-8-12, AS AMENDED BY P.L.57-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A person who:

(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course ~~as prescribed in IC 25-34.1-3-10~~ without course approval



as required by section 13 of this chapter;
 commits a Class B infraction. When a judgment is entered for an
 offense under this section, the court shall add to any fine imposed the
 amount of any fee or other compensation earned in the commission of
 the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for
 performing acts regulated by this article, a party seeking relief must
 allege and prove that at the time the cause of action arose the party was
 not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of
 any county in which a violation occurs may maintain an action in the
 name of the state of Indiana to enjoin a person from violating this
 section.

(d) In charging any person in a complaint for a judgment or an
 injunction for the violation of this section, it is sufficient, without
 averring any further or more particular facts, to charge that the person
 upon a certain day and in a certain county:

(1) acted as:

(A) a certified real estate appraiser without a certificate; or

(B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for
 a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section is
 supplemental to other enforcement procedures established in this
 section.

SECTION 122. IC 25-37.5-1-1, AS AMENDED BY P.L.2-2007,
 SECTION 349, AND AS AMENDED BY P.L.170-2007, SECTION 1,
 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) When used in this
 chapter, "valuable metal" means any product made of copper, copper
 alloy, brass, aluminum, or aluminum alloy that is readily used or
 useable:

(1) by a public utility, a railroad, a county, city, or state highway
 department, a public or private school, or ~~an~~ a postsecondary
 educational institution; ~~of higher education~~; or

(2) on residential or commercial property.

(b) As used in this chapter, "valuable metal dealer" means any
 individual, firm, corporation, limited liability company, or partnership
 engaged in the business of purchasing and reselling valuable metal
 either at a permanently established place of business or in connection
 with a business of an itinerant nature, including junk shops, junk yards,
 junk stores, auto wreckers, scrap metal dealers or processors, salvage
 yards, collectors of or dealers in junk, and junk carts or trucks.

(c) As used in this chapter, "purchase" means acquiring a valuable
 metal product or products by a valuable metal dealer in a single
 transaction of one hundred dollars (\$100) or more for a consideration,



but does not include purchases between scrap metal processing facilities (as defined in ~~IC 8-12-1-3(d)~~). **IC 8-23-1-36**.

SECTION 123. IC 25-37.5-1-3, AS AMENDED BY P.L.2-2007, SECTION 351, AND AS AMENDED BY P.L.170-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing:

- (1) valuable metal products of interest to public utilities, railroads, county, city, or state highway departments, public or private schools, or ~~an~~ a postsecondary educational institution; ~~of higher education; and~~
- (2) valuable metal products of interest for use on residential or commercial property.

SECTION 124. IC 27-1-3-15, AS AMENDED BY P.L.173-2007, SECTION 6, AND AS AMENDED BY P.L.234-2007, SECTION 188, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in ~~subsection~~ **subsections (f) and (h)**, the commissioner shall collect the following filing fees:

Document	Fee
Articles of incorporation	\$ 350
Amendment of articles of incorporation	\$ 10
Filing of annual statement and consolidated statement	\$ 100
Annual renewal of company license fee	\$ 50
Withdrawal of certificate of authority	\$ 25
Certified statement of condition	\$ 5
Any other document required to be filed by this article	\$ 25

The commissioner shall deposit fees collected under this subsection into the department of insurance fund established by section 28 of this chapter.

(b) The commissioner shall collect a fee of ten dollars (\$10) each time process is served on the commissioner under this title.

(c) The commissioner shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

Per page for copying	As determined by the commissioner but not to exceed
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1 actual cost
 2 For the certificate \$10
 3 (d) Each domestic and foreign insurer and each health maintenance
 4 organization shall remit annually to the commissioner for deposit into
 5 the department of insurance fund established by section 28 of this
 6 chapter one thousand dollars (\$1,000) as an internal audit fee. All
 7 assessment insurers, farm mutuals, and fraternal benefit societies shall
 8 remit to the commissioner for deposit into the department of insurance
 9 fund two hundred fifty dollars (\$250) annually as an internal audit fee.
 10 (e) Beginning July 1, 1994, each insurer shall remit to the
 11 commissioner for deposit into the department of insurance fund
 12 established by section 28 of this chapter a fee of thirty-five dollars
 13 (\$35) for each policy, rider, rule, rate, or endorsement filed with the
 14 state, including subsequent filings. Except as provided in subsection
 15 (f), each policy, rider, rule, rate, or endorsement that is filed as part of
 16 a particular product filing or in association with a particular product
 17 filing is an individual filing subject to the fee under this subsection.
 18 However, the total amount of fees paid under this subsection by each
 19 insurer for a particular product filing may not exceed one thousand
 20 dollars (\$1,000).
 21 (f) Beginning July 1, 2009, a policy, rider, rule, rate, or endorsement
 22 that is filed as part of a particular product filing or in association with
 23 a particular product filing for a commercial product described in:
 24 (1) Class 2(b), Class 2(c), Class 2(d), Class 2(e), Class 2(f), Class
 25 2(g), Class 2(h), Class 2(i), Class 2(j), Class 2(k), Class 2(l), or
 26 Class 2(m) of IC 27-1-5-1; or
 27 (2) Class 3 of IC 27-1-5-1;
 28 is considered to be part of a single filing for which the insurer is subject
 29 only to one (1) thirty-five dollar (\$35) fee under subsection (e).
 30 (g) The commissioner shall pay into the state general fund by the
 31 end of each calendar month the amounts collected during that month
 32 under subsections (b) and (c).
 33 (h) The commissioner may not collect fees for quarterly statements
 34 filed under IC 27-1-20-33.
 35 (i) The commissioner may adopt rules under IC 4-22-2 to provide
 36 for the accrual and quarterly billing of fees under this section.
 37 SECTION 125. IC 27-1-40-1, AS ADDED BY P.L.173-2007,
 38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 1. As used in this chapter, "trusteed surplus"
 40 means the aggregate value of a United States branch's:
 41 (1) surplus and reserve funds required under IC 27-1-6; and
 42 (2) trust assets described in ~~section 5~~ **section 4** of this chapter;
 43 plus investment income accrued on the items described in subdivisions
 44 (1) and (2) if the investment income is collected by the state for the
 45 trustees, less the aggregate net amount of all of the United States
 46 branch's reserves and other liabilities in the United States, as



determined under section 6 of this chapter.

SECTION 126. IC 28-5-1-3, AS AMENDED BY P.L.213-2007, SECTION 56, AND BY P.L.217-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter and unless a different meaning appears from the context:

(a) The term "capital and surplus" or "unimpaired capital and unimpaired surplus" has the meaning set forth in 12 CFR 32.2.

(b) The term "company" shall mean and include any corporation to which this chapter is applicable.

(c) The term "department" means the department of financial institutions of the state of Indiana. ~~payable; or~~

(d) The department is hereby authorized to approve the issue of capital and investment notes and capital debentures by any company to create capital and surplus, but no such notes and debentures shall be authorized or approved by the department unless such notes and debentures shall, by their terms, provide that the debt, including all accrued and unpaid interest, evidenced thereby shall be subordinate, in order of priority on liquidation, to all of the obligations of the company to the holders of its installment and fully paid certificates of indebtedness or investment and creditors other than such creditors and holders who have expressly agreed otherwise and other than creditors who are such by reason of the ownership of such notes or debentures which the department is authorized to approve by this section.

SECTION 127. IC 30-2-12-5, AS AMENDED BY P.L.2-2007, SECTION 356, AND AS AMENDED BY P.L.226-2007, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "institution" means any of the following:

~~(1) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)) and its related foundations;~~

~~(2) An organization that:~~

~~(A) is an exempt organization under Section 501(c)(3) of the Internal Revenue Code;~~

~~(B) has an endowment fund with a fair market value of at least ten million dollars (\$10,000,000); and~~

~~(C) is not a religious organization;~~

~~(3) A community foundation or trust:~~

~~(1) A person, other than an individual, that is organized and operated exclusively for charitable purposes.~~

~~(2) The state, including any agency or instrumentality of the state, or a unit of local government to the extent that the state or unit holds funds exclusively for charitable purposes.~~

~~(3) A trust that has only charitable interests, including a trust:~~

~~(A) that previously had both charitable and noncharitable interests; and~~



1 (B) *the noncharitable interests of which were previously*
 2 *terminated.*

3 SECTION 128. IC 30-4-3-11, AS AMENDED BY P.L.202-2007,
 4 SECTION 4, AND AS AMENDED BY P.L.226-2007, SECTION 23,
 5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 11.

7 (a) The trustee is accountable to the beneficiary for the trust estate.

8 (b) If the trustee commits a breach of trust, he is liable to the
 9 beneficiary for:

10 (1) any loss or depreciation in the value of the trust property as a
 11 result of the breach;

12 (2) any profit made by the trustee through the breach;

13 (3) any reasonable profit which would have accrued on the trust
 14 property in the absence of a breach; and

15 (4) reasonable attorney's fees incurred by the beneficiary in
 16 bringing an action on the breach.

17 (c) In the absence of a breach of trust, the trustee has no liability to
 18 the beneficiary either for any loss or depreciation in value of the trust
 19 property or for a failure to make a profit. However, if:

20 (1) a loss or depreciation in value of the trust property; or

21 (2) the trust's failure to make a profit;

22 is the result of a violation by the trustee of IC 28-1-12-8 or
 23 IC 28-6.1-6-26, one (1) or more beneficiaries of the trust may petition
 24 the court for any remedy described in subsection (b) or for removal of
 25 the trustee under section 22(a)(4) of this chapter, regardless of whether
 26 the transaction under IC 28-1-12-8 or IC 28-6.1-6-26 constitutes or
 27 involves a breach of trust. The court may award one (1) or more
 28 remedies described in subsection (b) or remove the trustee, or both, if
 29 the court determines that the remedy or *the* removal of the trustee is in
 30 the best interests of all beneficiaries of the trust. The burden of proof
 31 is on the one (1) or more petitioning beneficiaries to demonstrate that
 32 the remedy or *the* removal of the trustee is in the best interests of all
 33 beneficiaries of the trust.

34 (d) The trustee is liable to the beneficiary for acts of an agent which,
 35 if committed by the trustee, would be a breach of the trust if the trustee:

36 (1) directs or permits the act of the agent;

37 (2) delegates the authority to perform an act to the agent which ~~he~~
 38 *the trustee* is under a duty not to delegate;

39 (3) fails to use reasonable care in the selection or retention of the
 40 agent;

41 (4) fails to exercise proper supervision over the conduct of the
 42 agent;

43 (5) approves, acquiesces in, or conceals the act of the agent; or

44 (6) fails to use reasonable effort to compel the agent to reimburse
 45 the trust estate for any loss or to account to the trust estate for any
 46 profit.



1 SECTION 129. IC 31-16-16-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A lien is
 3 created against the real and personal property of the obligor in the
 4 amount of a judgment described in ~~section 5 or 6~~ **section 2** of this
 5 chapter.

6 (b) A person holding a lien created by a judgment described in
 7 ~~section 5 or 6~~ **section 2** of this chapter:

8 (1) has the priority of an unperfected secured creditor in any
 9 enforcement proceeding instituted against the property; and

10 (2) may perfect the lien in the same manner as liens arising from
 11 other civil judgments are perfected.

12 SECTION 130. IC 31-16-16-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An obligee
 14 may enforce a judgment created under ~~section 5 or 6~~ **section 2** of this
 15 chapter (or IC 31-2-11-8 before its repeal) in the same manner as other
 16 civil judgments are enforced.

17 (b) If in a proceeding to enforce a judgment created under ~~section~~
 18 ~~5 or 6~~ **section 2** of this chapter (or IC 31-2-11-8 before its repeal) an
 19 obligor or an income payor disputes the amount that constitutes a
 20 judgment, the court with jurisdiction over the enforcement proceeding
 21 may conduct a hearing to determine the amount of delinquent support
 22 that is a judgment.

23 SECTION 131. IC 31-16-16-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The courts shall
 25 recognize and enforce:

26 (1) judgments created under ~~section 5 or 6~~ **section 2** of this
 27 chapter (or IC 31-2-11-8 before its repeal); and

28 (2) judgments for delinquent support payments that are created
 29 under the laws of another state.

30 SECTION 132. IC 31-16-17-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An action for
 32 support of a parent may be instituted against a child for violation of the
 33 duty to support a parent as required by section 1 of this chapter by
 34 filing a verified complaint in a circuit or superior court of the county of
 35 the residence of either parent. The plaintiff or plaintiffs must be:

36 (1) the parent or parents; or

37 (2) the:

38 (A) prosecuting attorney of the judicial circuit;

39 (B) county director of the county office of family and children
 40 of the county in which the parent resides;

41 (C) township trustee of the township in which the parent
 42 resides; or

43 (D) division of family ~~and children~~ **resources**;
 44 on behalf of the parent.

45 SECTION 133. IC 31-19-11-1, AS AMENDED BY P.L.138-2006,
 46 SECTION 44, AS AMENDED BY P.L.216-2006, SECTION 34, IS



CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Whenever the court has
heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;
 has been filed in relation to the child;
- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).



- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) *Domestic battery* (IC 35-42-2-1.3).
- ~~(7)~~ (8) Aggravated battery (IC 35-42-2-1.5).
- ~~(8)~~ (9) Kidnapping (IC 35-42-3-2).
- ~~(9)~~ (10) Criminal confinement (IC 35-42-3-3).
- ~~(10)~~ (11) A felony sex offense under IC 35-42-4.
- ~~(11)~~ (12) Carjacking (IC 35-42-5-2).
- ~~(12)~~ (13) Arson (IC 35-43-1-1).
- ~~(13)~~ (14) Incest (IC 35-46-1-3).
- ~~(14)~~ (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- ~~(15)~~ (16) Child selling (IC 35-46-1-4(d)).
- ~~(16)~~ (17) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- ~~(17)~~ (18) A felony relating to controlled substances under IC 35-48-4.
- ~~(18)~~ (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- ~~(19)~~ (20) A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(18)~~ (19) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), ~~(11)~~, (12), (13), ~~(16)~~, ~~(17)~~, or (18), or its equivalent under subdivision ~~(19)~~, (20), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5).

SECTION 134. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.
- (4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;



1 (3) found to have ~~violated~~ **committed** an infraction; or
 2 (4) found to have violated an ordinance;
 3 the clerk shall collect a judicial salaries fee specified in the schedule in
 4 subsection (d).

5 (d) Beginning:

6 (1) after June 30, 2005, and ending before July 1 of the first state
 7 fiscal year after June 30, 2006, in which salaries are increased
 8 under IC 33-38-5-8.1, the judicial salaries fee to which this
 9 subsection applies is fifteen dollars (\$15);

10 (2) after June 30 immediately preceding the first state fiscal year
 11 in which salaries are increased under IC 33-38-5-8.1 and ending
 12 before July 1 of the second state fiscal year after June 30, 2006,
 13 in which salaries are increased under IC 33-38-5-8.1, the judicial
 14 salaries fee to which this subsection applies is sixteen dollars
 15 (\$16);

16 (3) after June 30 immediately preceding the second state fiscal
 17 year in which salaries are increased under IC 33-38-5-8.1 and
 18 ending before July 1 of the third state fiscal year after June 30,
 19 2006, in which salaries are increased under IC 33-38-5-8.1, the
 20 judicial salaries fee to which this subsection applies is seventeen
 21 dollars (\$17);

22 (4) after June 30 immediately preceding the third state fiscal year
 23 in which salaries are increased under IC 33-38-5-8.1 and ending
 24 before July 1 of the fourth state fiscal year after June 30, 2006, in
 25 which salaries are increased under IC 33-38-5-8.1, the judicial
 26 salaries fee to which this subsection applies is eighteen dollars
 27 (\$18);

28 (5) after June 30 immediately preceding the fourth state fiscal
 29 year in which salaries are increased under IC 33-38-5-8.1 and
 30 ending before July 1 of the fifth state fiscal year after June 30,
 31 2006, in which salaries are increased under IC 33-38-5-8.1, the
 32 judicial salaries fee to which this subsection applies is nineteen
 33 dollars (\$19); and

34 (6) after June 30 immediately preceding the fifth state fiscal year
 35 in which salaries are increased under IC 33-38-5-8.1, the judicial
 36 salaries fee to which this subsection applies is twenty dollars
 37 (\$20).

38 (e) Beginning:

39 (1) after June 30, 2005, and ending before July 1 of the first state
 40 fiscal year after June 30, 2006, in which salaries are increased
 41 under IC 33-38-5-8.1, the judicial salaries fee to which this
 42 subsection applies is ten dollars (\$10);

43 (2) after June 30 immediately preceding the first state fiscal year
 44 in which salaries are increased under IC 33-38-5-8.1 and ending
 45 before July 1 of the second state fiscal year after June 30, 2006,
 46 in which salaries are increased under IC 33-38-5-8.1, the judicial



salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 135. IC 34-23-2-1, AS AMENDED BY P.L.2-2007, SECTION 373, AND AS AMENDED BY P.L.234-2007, SECTION 169, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As used in this section, "child" means an unmarried individual without dependents who is:

(1) less than twenty (20) years of age; or

(2) less than twenty-three (23) years of age and is enrolled in ~~a postsecondary educational institution, of higher education or in a vocational career and technical education school or program that is not a postsecondary educational program.~~

(b) An action may be maintained under this section against the person whose wrongful act or omission caused the injury or death of a child. The action may be maintained by:

(1) the father and mother jointly, or either of them by naming the other parent as a codefendant to answer as to his or her interest;

(2) in case of divorce or dissolution of marriage, the person to whom custody of the child was awarded; and

(3) a guardian, for the injury or death of a protected person.

(c) In case of death of the person to whom custody of a child was awarded, a personal representative shall be appointed to maintain the action for the injury or death of the child.

(d) In an action brought by a guardian for an injury to a protected



1 person, the damages inure to the benefit of the protected person.

2 (e) In an action to recover for the death of a child, the plaintiff may
3 recover damages:

4 (1) for the loss of the child's services;

5 (2) for the loss of the child's love and companionship; and

6 (3) to pay the expenses of:

7 (A) health care and hospitalization necessitated by the
8 wrongful act or omission that caused the child's death;

9 (B) the child's funeral and burial;

10 (C) the reasonable expense of psychiatric and psychological
11 counseling incurred by a surviving parent or minor sibling of
12 the child that is required because of the death of the child;

13 (D) uninsured debts of the child, including debts for which a
14 parent is obligated on behalf of the child; and

15 (E) the administration of the child's estate, including
16 reasonable attorney's fees.

17 (f) Damages may be awarded under this section only with respect to
18 the period of time from the death of the child until:

19 (1) the date that the child would have reached:

20 (A) twenty (20) years of age; or

21 (B) twenty-three (23) years of age, if the child was enrolled in
22 ~~an a postsecondary educational institution of higher education~~
23 ~~or in a vocational career and technical education school or~~
24 ~~program that is not a postsecondary educational program;~~ or

25 (2) the date of the child's last surviving parent's death;

26 whichever first occurs.

27 (g) Damages may be awarded under subsection (e)(2) only with
28 respect to the period of time from the death of the child until the date
29 of the child's last surviving parent's death.

30 (h) Damages awarded under subsection (e)(1), (e)(2), (e)(3)(C), and
31 (e)(3)(D) inure to the benefit of:

32 (1) the father and mother jointly if both parents had custody of the
33 child;

34 (2) the custodial parent, or custodial grandparent, and the
35 noncustodial parent of the deceased child as apportioned by the
36 court according to their respective losses; or

37 (3) a custodial grandparent of the child if the child was not
38 survived by a parent entitled to benefit under this section.

39 However, a parent or grandparent who abandoned a deceased child
40 while the child was alive is not entitled to any recovery under this
41 chapter.

42 SECTION 136. IC 34-26-5-3, AS AMENDED BY P.L.52-2007,
43 SECTION 11, AND AS AMENDED BY P.L.138-2007, SECTION 92,
44 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state
46 court administration shall:



(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; ~~and~~

(iv) forms relating to workplace violence restraining orders under IC 34-26-6; *and*

(v) *forms relating to a child protective order under IC 31-34-2.3;*

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, *or a child protective order;*

(E) a notice of termination for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, *or a child protective order;* and

(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, *or a child protective order:*

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE *OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER*, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF



1 THE PROTECTED PERSON IS:

2 (A) THE RESPONDENT'S CURRENT OR FORMER
3 SPOUSE;

4 (B) A CURRENT OR FORMER PERSON WITH WHOM
5 THE RESPONDENT RESIDED WHILE IN AN INTIMATE
6 RELATIONSHIP; OR

7 (C) A PERSON WITH WHOM THE RESPONDENT HAS A
8 CHILD.

9 INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT
10 THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES
11 UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

12 (d) The clerk of the circuit court, or a person or entity designated by
13 the clerk of the circuit court, shall provide to a person requesting an
14 order for protection:

15 (1) the forms adopted under subsection (a);

16 (2) all other forms required to petition for an order for protection,
17 including forms:

18 (A) necessary for service; and

19 (B) required under *IC 31-21* (or *IC 31-17-3 before its repeal*);
20 and

21 (3) clerical assistance in reading or completing the forms and
22 filing the petition.

23 Clerical assistance provided by the clerk or court personnel under this
24 section does not constitute the practice of law. The clerk of the circuit
25 court may enter into a contract with a person or another entity to
26 provide this assistance. A person, other than a person or other entity
27 with whom the clerk has entered into a contract to provide assistance,
28 who in good faith performs the duties the person is required to perform
29 under this subsection is not liable for civil damages that might
30 otherwise be imposed on the person as a result of the performance of
31 those duties unless the person commits an act or omission that amounts
32 to gross negligence or willful and wanton misconduct.

33 (e) A petition for an order for protection must be:

34 (1) verified or under oath under Trial Rule 11; and

35 (2) issued on the forms adopted under subsection (a).

36 (f) If an order for protection is issued under this chapter, the clerk
37 shall comply with IC 5-2-9.

38 SECTION 137. IC 34-30-2-83.2, AS ADDED BY P.L.31-2007,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 83.2. ~~IC 16-14-27-16.6~~ **IC 16-41-27-16.6**
41 (Concerning an operator, an owner, or an employee of a mobile home
42 community for the operator providing a reminder, assistance, or
43 instructions concerning the function of a weather radio contained in a
44 manufactured home).

45 SECTION 138. IC 34-30-2-83.5, AS ADDED BY P.L.234-2007,
46 SECTION 70, IS AMENDED TO READ AS FOLLOWS: Sec. 83.5.



~~IC 16-41-42-6~~ **IC 16-41-42.2-5(k)** (Concerning members of the spinal cord and brain injury research board).

SECTION 139. IC 35-38-2-2.3, AS AMENDED BY P.L.125-2007, SECTION 8, AND AS AMENDED BY P.L.234-2007, SECTION 170, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or ~~vocational~~ *training career and technical education* that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Support the person's dependents and meet other family responsibilities.
- (5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (7) Pay a fine authorized by IC 35-50.
- (8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (9) Report to a probation officer at reasonable times as directed by the court or the probation officer.
- (10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (13) Perform uncompensated work that benefits the community.
- (14) Satisfy other conditions reasonably related to the person's rehabilitation.
- (15) Undergo home detention under IC 35-38-2.5.
- (16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of



the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of ~~a sex crime listed in IC 35-38-1-7.1(e)~~ an offense relating to a criminal sexual act and the ~~crime~~ offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); ~~as described in IC 35-38-1-7.1(b)(8);~~ or

(B) the person had been convicted of an offense ~~related~~ relating to a controlled substance ~~listed in IC 35-38-1-7.1(f)~~ and the offense involved: ~~the conditions described in IC 35-38-1-7.1(b)(9)(A);~~

(i) the delivery by any person to another person; or

(ii) the use by any person on another person; of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(22) Participate in a reentry court program.



1 (b) When a person is placed on probation, the person shall be given
2 a written statement specifying:

- 3 (1) the conditions of probation; and
4 (2) that if the person violates a condition of probation during the
5 probationary period, a petition to revoke probation may be filed
6 before the earlier of the following:

7 (A) One (1) year after the termination of probation.

8 (B) Forty-five (45) days after the state receives notice of the
9 violation.

10 (c) As a condition of probation, the court may require that the
11 person serve a term of imprisonment in an appropriate facility at the
12 time or intervals (consecutive or intermittent) within the period of
13 probation the court determines.

14 (d) Intermittent service may be required only for a term of not more
15 than sixty (60) days and must be served in the county or local penal
16 facility. The intermittent term is computed on the basis of the actual
17 days spent in confinement and shall be completed within one (1) year.
18 A person does not earn credit time while serving an intermittent term
19 of imprisonment under this subsection. When the court orders
20 intermittent service, the court shall state:

21 (1) the term of imprisonment;

22 (2) the days or parts of days during which a person is to be
23 confined; and

24 (3) the conditions.

25 (e) Supervision of a person may be transferred from the court that
26 placed the person on probation to a court of another jurisdiction, with
27 the concurrence of both courts. Retransfers of supervision may occur
28 in the same manner. This subsection does not apply to transfers made
29 under IC 11-13-4 or IC 11-13-5.

30 (f) When a court imposes a condition of probation described in
31 subsection (a)(17):

32 (1) the clerk of the court shall comply with IC 5-2-9; and

33 (2) the prosecuting attorney shall file a confidential form
34 prescribed or approved by the division of state court
35 administration with the clerk.

36 (g) As a condition of probation, a court shall require a person:

37 (1) convicted of an offense described in IC 10-13-6-10;

38 (2) who has not previously provided a DNA sample in accordance
39 with IC 10-13-6; and

40 (3) whose sentence does not involve a commitment to the
41 department of correction;

42 to provide a DNA sample as a condition of probation.

43 SECTION 140. IC 35-38-4-7, AS ADDED BY P.L.234-2007,
44 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 UPON PASSAGE]: Sec. 7. (a) This section applies to state
46 reimbursement of expenses for conducting a new trial if:



(1) a defendant is convicted of an offense in a criminal proceeding conducted in a trial court;

(2) the defendant appeals the defendant's conviction to the Indiana court of appeals or Indiana supreme court; and

(3) the court of appeals or supreme court remands the case to the trial court for a new trial.

(b) Subject to subsection (d), the state shall reimburse the trial court, the prosecuting attorney, and, if the defendant is represented by a public defender, the public defender for expenses:

(1) incurred by the trial court, prosecuting attorney, and public defender in conducting a new trial described in subsection (a); and

(2) that would ordinarily be paid by the county in which the trial court is located.

(c) The expenses of a trial court, prosecuting attorney, and public defender reimbursed under this section:

(1) may not include any salary or other remuneration paid to a trial court judge, prosecuting attorney, deputy prosecuting attorney, or public defender; and

(2) must be paid from money in the state general fund.

(d) The office division of state court administration (IC 33-24-6-1) shall administer a program to pay claims for reimbursement under this section. The maximum amount that may be reimbursed for all proceedings and all offenses arising out of the same facts is fifty thousand dollars (\$50,000). The maximum amount that may be paid in any particular year for all expenses otherwise eligible for reimbursement under this section is one million dollars (\$1,000,000). If the total of all claims that would otherwise be eligible for reimbursement under this section ~~exceed~~ **exceeds** the maximum amount that may be reimbursed under this subsection, the division of state court administration shall prorate reimbursement of eligible expenses, as determined by the division of state court administration.

SECTION 141. IC 35-41-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(b) "Person", for purposes of ~~section 10.7~~ **section 10.6** of this chapter, means an adult or a minor.

SECTION 142. IC 35-45-5-1, AS AMENDED BY P.L.2-2007, SECTION 377, AND AS AMENDED BY P.L.227-2007, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) ~~As used in~~ *The definitions in this section apply throughout this chapter.*

(b) "Electronic gaming device" means any electromechanical device, electrical device, or machine that satisfies at least one (1) of the following requirements:



(1) *It is a contrivance which for consideration affords the player an opportunity to obtain money or other items of value, the award of which is determined by chance even if accomplished by some skill, whether or not the prize is automatically paid by the contrivance.*

(2) *It is a slot machine or any simulation or variation of a slot machine.*

(3) *It is a matchup or lineup game machine or device operated for consideration, in which two (2) or more numerals, symbols, letters, or icons align in a winning combination on one (1) or more lines vertically, horizontally, diagonally, or otherwise, without assistance by the player. The use of a skill stop is not considered assistance by the player.*

(4) *It is a video game machine or device operated for consideration to play poker, blackjack, any other card game, keno, or any simulation or variation of these games, including any game in which numerals, numbers, or pictures, representations, or symbols are used as an equivalent or substitute for the cards used in these games.*

The term does not include a toy crane machine or any other device played for amusement that rewards a player exclusively with a toy, a novelty, candy, other noncash merchandise, or a ticket or coupon redeemable for a toy, a novelty, or other noncash merchandise that has a wholesale value of not more than the lesser of ten (10) times the amount charged to play the amusement device one (1) time or twenty-five dollars (\$25).

(c) "Gain" means the direct realization of winnings.

(d) "Gambling" means risking money or other property for gain, contingent in whole or in part upon lot, chance, or the operation of a gambling device; but it does not include participating in:

(1) bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; or

(2) bona fide business transactions that are valid under the law of contracts.

(e) "Gambling device" means:

(1) a mechanism by the operation of which a right to money or other property may be credited, in return for consideration, as the result of the operation of an element of chance;

(2) a mechanism that, when operated for a consideration, does not return the same value or property for the same consideration upon each operation;

(3) a mechanism, furniture, fixture, construction, or installation designed primarily for use in connection with professional gambling;

(4) a policy ticket or wheel; or



(5) a subassembly or essential part designed or intended for use in connection with such a device, mechanism, furniture, fixture, construction, or installation.

In the application of this definition, an immediate and unrecorded right to replay mechanically conferred on players of pinball machines and similar amusement devices is presumed to be without value.

(f) "Gambling information" means:

(1) a communication with respect to a wager made in the course of professional gambling; or

(2) information intended to be used for professional gambling.

(g) "Interactive computer service" means an Internet service, an information service, a system, or an access software provider that provides or enables computer access to a computer served by multiple users. The term includes the following:

(1) A service or system that provides access or is an intermediary to the Internet.

(2) A system operated or services offered by a library, school, state educational institution, ~~(as defined in IC 20-12-0.5-1)~~, or private ~~college or university~~ postsecondary educational institution.

(h) "Operator" means a person who owns, maintains, or operates an Internet site that is used for interactive gambling.

(i) "Profit" means a realized or unrealized benefit (other than a gain) and includes benefits from proprietorship or management and unequal advantage in a series of transactions.

(j) "Tournament" means a contest in which:

(1) the consideration to enter the contest may take the form of a separate entry fee or the deposit of the required consideration to play in any manner accepted by the:

(A) video golf machine; or

(B) pinball machine or similar amusement device described in subsection (m)(2);

on which the entrant will compete;

(2) each player's score is recorded; and

(3) the contest winner and other prize winners are determined by objectively comparing the recorded scores of the competing players.

(k) "Toy crane machine" means a device that is used to lift prizes from an enclosed space by manipulating a mechanical claw.

(l) For purposes of this chapter:

(1) a card game; or

(2) an electronic version of a card game;

is a game of chance and may not be considered a bona fide contest of skill.

(m) In the application of the definition of gambling set forth in subsection (d), the payment of consideration to participate in a



1 *tournament conducted on:*

2 *(1) video golf games; or*

3 *(2) pinball machines and similar amusement devices that award*
 4 *no prizes other than to mechanically confer an immediate and*
 5 *unrecorded right to replay on players that is presumed to be*
 6 *without value under this section;*

7 *is not considered gambling even if the value of a prize awarded in the*
 8 *course of the tournament exceeds the amount of the player's*
 9 *consideration.*

10 SECTION 143. IC 35-45-6-1, AS AMENDED BY P.L.227-2007,
 11 SECTION 68, AND AS AMENDED BY P.L.27-2007, SECTION 31,
 12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~As used in~~ (a) *The definitions*
 14 *in this section apply throughout this chapter:*

15 (b) "Documentary material" means any document, drawing,
 16 photograph, recording, or other tangible item containing compiled data
 17 from which information can be either obtained or translated into a
 18 usable form.

19 (c) "Enterprise" means:

20 (1) a sole proprietorship, corporation, limited liability company,
 21 partnership, business trust, or governmental entity; or

22 (2) a union, an association, or a group, whether a legal entity or
 23 merely associated in fact.

24 (d) "Pattern of racketeering activity" means engaging in at least two
 25 (2) incidents of racketeering activity that have the same or similar
 26 intent, result, accomplice, victim, or method of commission, or that are
 27 otherwise interrelated by distinguishing characteristics that are not
 28 isolated incidents. However, the incidents are a pattern of racketeering
 29 activity only if at least one (1) of the incidents occurred after August
 30 31, 1980, and if the last of the incidents occurred within five (5) years
 31 after a prior incident of racketeering activity.

32 (e) "Racketeering activity" means to commit, to attempt to commit,
 33 to conspire to commit a violation of, or aiding and abetting in a
 34 violation of any of the following:

35 (1) A provision of ~~IC 23-2-1~~, IC 23-19, or of a rule or order issued
 36 under ~~IC 23-2-1~~, IC 23-19.

37 (2) A violation of IC 35-45-9.

38 (3) A violation of IC 35-47.

39 (4) A violation of IC 35-49-3.

40 (5) Murder (IC 35-42-1-1).

41 (6) Battery as a Class C felony (IC 35-42-2-1).

42 (7) Kidnapping (IC 35-42-3-2).

43 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

44 (9) Child exploitation (IC 35-42-4-4).

45 (10) Robbery (IC 35-42-5-1).

46 (11) Carjacking (IC 35-42-5-2).



- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2).
- (16) Forgery (IC 35-43-5-2).
- (17) Fraud (IC 35-43-5-4(1) through ~~IC 35-43-5-4(9)~~;
IC 35-43-5-4(10)).
- (18) Bribery (IC 35-44-1-1).
- (19) Official misconduct (IC 35-44-1-2).
- (20) Conflict of interest (IC 35-44-1-3).
- (21) Perjury (IC 35-44-2-1).
- (22) Obstruction of justice (IC 35-44-3-4).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).
- (25) *Professional gambling (IC 35-45-5-3).*
- (26) *Maintaining a professional gambling site*
(IC 35-45-5-3.5(b)).
- ~~(25)~~ (27) Promoting professional gambling (IC 35-45-5-4).
- ~~(26)~~ (28) Dealing in or manufacturing cocaine or a narcotic drug
(IC 35-48-4-1).
- ~~(27)~~ (29) Dealing in or manufacturing methamphetamine
(IC 35-48-4-1.1).
- ~~(28)~~ (30) Dealing in a schedule I, II, or III controlled substance
(IC 35-48-4-2).
- ~~(29)~~ (31) Dealing in a schedule IV controlled substance
(IC 35-48-4-3).
- ~~(30)~~ (32) Dealing in a schedule V controlled substance
(IC 35-48-4-4).
- ~~(31)~~ (33) Dealing in marijuana, hash oil, or hashish
(IC 35-48-4-10).
- ~~(32)~~ (34) Money laundering (IC 35-45-15-5).
- ~~(33)~~ (35) A violation of IC 35-47.5-5.

SECTION 144. IC 35-47-1-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Firearm" means
any weapon:

(1) that is:

(A) capable of **expelling**; or

(B) designed to **expel**; or

(2) that may readily be converted to expel;
a projectile by means of an explosion.

SECTION 145. IC 35-47-4.5-3, AS AMENDED BY P.L.2-2007,
SECTION 379, AND AS AMENDED BY P.L.227-2007, SECTION
69, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter,
"public safety officer" means:

(1) a state police officer;



- 1 (2) a county sheriff;
- 2 (3) a county police officer;
- 3 (4) a correctional officer;
- 4 (5) an excise police officer;
- 5 (6) a county police reserve officer;
- 6 (7) a city police officer;
- 7 (8) a city police reserve officer;
- 8 (9) a conservation enforcement officer;
- 9 (10) a gaming agent;
- 10 (11) a town marshal;
- 11 (12) a deputy town marshal;
- 12 (13) a state ~~university~~ *educational institution* police officer
- 13 appointed under ~~IC 20-12-3-5~~; IC 21-39-4;
- 14 (14) a probation officer;
- 15 (15) a firefighter (as defined in IC 9-18-34-1);
- 16 (16) an emergency medical technician;
- 17 (17) a paramedic; ~~or~~
- 18 (18) a member of a consolidated law enforcement department
- 19 established under IC 36-3-1-5.1; *or*
- 20 (19) a gaming control officer.

21 SECTION 146. IC 36-2-7-10, AS AMENDED BY P.L.211-2007,
 22 SECTION 47, AND AS AMENDED BY P.L.215-2007, SECTION 4,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]:Sec. 10. (a) The county recorder
 25 shall tax and collect the fees prescribed by this section for recording,
 26 filing, copying, and other services the recorder renders, and shall pay
 27 them into the county treasury at the end of each calendar month. The
 28 fees prescribed and collected under this section supersede all other
 29 recording fees required by law to be charged for services rendered by
 30 the county recorder.

31 (b) The county recorder shall charge the following:

- 32 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
- 33 additional page of any document the recorder records if the pages
- 34 are not larger than eight and one-half (8 1/2) inches by fourteen
- 35 (14) inches.
- 36 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
- 37 each additional page of any document the recorder records, if the
- 38 pages are larger than eight and one-half (8 1/2) inches by fourteen
- 39 (14) inches.
- 40 (3) For attesting to the release, partial release, or assignment of
- 41 any mortgage, judgment, lien, or oil and gas lease contained on a
- 42 multiple transaction document, the fee for each transaction after
- 43 the first is the amount provided in subdivision (1) plus the amount
- 44 provided in subdivision (4) and one dollar (\$1) for marginal
- 45 mortgage assignments or marginal mortgage releases.
- 46 (4) One dollar (\$1) for each cross-reference of a recorded



document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and

(B) one dollar (\$1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and



(B) *one dollar (\$1) for each additional page;
of each document the recorder records.*

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under *section 10.1 of this chapter and subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.*

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) *This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:*

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county



1 *that establishes an affordable housing fund is the population of*
 2 *the county outside any city or town that has established an*
 3 *affordable housing fund.*

4 *(2) Forty percent (40%) of the money collected by the county*
 5 *recorder under subsection (b)(12) shall be distributed to the*
 6 *treasurer of state for deposit in the affordable housing and*
 7 *community development fund established under IC 5-20-4-7 for*
 8 *the purposes of the fund.*

9 *Money shall be distributed under this subsection before the sixteenth*
 10 *day of the month following the month in which the money is collected*
 11 *from the county recorder.*

12 *(j) This subsection applies to a county described in subsection*
 13 *(b)(13). The county treasurer shall distribute money collected by the*
 14 *county recorder under subsection (b)(13) as follows:*

15 *(1) Sixty percent (60%) of the money collected by the county*
 16 *recorder under subsection (b)(13) shall be deposited in the*
 17 *housing trust fund established under IC 36-7-15.1-35.5(e) for the*
 18 *purposes of the fund.*

19 *(2) Forty percent (40%) of the money collected by the county*
 20 *recorder under subsection (b)(13) shall be distributed to the*
 21 *treasurer of state for deposit in the affordable housing and*
 22 *community development fund established under IC 5-20-4-7 for*
 23 *the purposes of the fund.*

24 *Money shall be distributed under this subsection before the sixteenth*
 25 *day of the month following the month in which the money is collected*
 26 *from the county recorder.*

27 SECTION 147. IC 36-2-14-18, AS AMENDED BY P.L.102-2007,
 28 SECTION 6, AS AMENDED BY P.L.157-2007, SECTION 5, AND
 29 AS AMENDED BY P.L.225-2007, SECTION 17, IS CORRECTED
 30 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 31 PASSAGE]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a
 32 coroner investigates a death, the office of the coroner is required to
 33 make available for public inspection and copying the following:

- 34 (1) The name, age, address, sex, and race of the deceased.
 35 (2) The address where the dead body was found, or if there is no
 36 address the location where the dead body was found and, if
 37 different, the address where the death occurred, or if there is no
 38 address the location where the death occurred.
 39 (3) The name of the agency to which the death was reported and
 40 the name of the person reporting the death.
 41 (4) The name of any public official or governmental employee
 42 present at the scene of the death and the name of the person
 43 certifying or pronouncing the death.
 44 (5) Information regarding an autopsy (requested or performed)
 45 limited to the date, the person who performed the autopsy, where
 46 the autopsy was performed, and a conclusion as to:



- (A) the probable cause of death;
- (B) the probable manner of death; and
- (C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of ~~the~~ *a parent of the decedent, an adult child of the decedent, a next of kin of the decedent, or of* an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. ~~The A parent of the decedent, an adult child of the decedent, a next of kin of the decedent, and an~~ insurance company ~~is~~ *are* prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) *Notwithstanding any other provision of this section, a coroner shall make available, upon written request, a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:*

- (1) *the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;*



1 (2) the statewide child fatality review committee established by
2 IC 31-33-25-6; or

3 (3) a county child fatality review team or regional child fatality
4 review team established under IC 31-33-24-6 by the county or for
5 the county where the death occurred;

6 for purposes of an entity ~~the entities~~ described in subdivisions (1)
7 through (3) conducting a review or an investigation of the
8 circumstances surrounding the death of a child (as defined in
9 IC 31-9-2-13(d)(1)) and making a determination as to whether the
10 death of the child was a result of abuse, abandonment, or neglect. ~~ff~~
11 An autopsy report made available under **this** subsection ~~(e)~~ is
12 confidential and shall not be disclosed to another individual or agency,
13 unless otherwise authorized or required by law.

14 (f) Except as provided in subsection (g), the information required
15 to be available under subsection (a) must be completed not later than
16 fourteen (14) days after the completion of:

17 (1) the autopsy report; or

18 (2) if applicable, any other report, including a toxicology report,
19 requested by the coroner as part of the coroner's investigation;

20 whichever is completed last.

21 (g) The prosecuting attorney may petition a circuit or superior
22 court for an order prohibiting the coroner from publicly disclosing the
23 information required in subsection (a). The prosecuting attorney shall
24 serve a copy of the petition on the coroner.

25 (h) Upon receipt of a copy of the petition described in subsection
26 (g), the coroner shall keep the information confidential until the court
27 rules on the petition.

28 (i) The court shall grant a petition filed under subsection (g) if the
29 prosecuting attorney proves by a preponderance of the evidence that
30 public access or dissemination of the information specified in
31 subsection (a) would create a significant risk of harm to the criminal
32 investigation of the death. The court shall state in the order the
33 reasons for granting or denying the petition. An order issued under
34 this subsection must use the least restrictive means and duration
35 possible when restricting access to the information. Information to
36 which access is restricted under this subsection is confidential.

37 (j) Any person may petition the court to modify or terminate an
38 order issued under subsection (i). The petition for modification or
39 termination must allege facts demonstrating that:

40 (1) the public interest will be served by allowing access; and

41 (2) access to the information specified in subsection (a) would not
42 create a significant risk to the criminal investigation of the death.

43 The person petitioning the court for modification or termination shall
44 serve a copy of the petition on the prosecuting attorney and the
45 coroner.

46 (k) Upon receipt of a petition for modification or termination filed



under subsection (j), the court may:

- (1) summarily grant, modify, or dismiss the petition; or
- (2) set the matter for hearing.

If the court sets the matter for hearing, upon the motion of any party or upon the court's own motion, the court may close the hearing to the public.

(l) If the person filing the petition for modification or termination proves by a preponderance of the evidence that:

- (1) the public interest will be served by allowing access; and
- (2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;

the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request.

SECTION 148. IC 36-2-14-22.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.3. (a) The coroners training board established by IC 4-23-6.5-3, in consultation with the Indiana law enforcement academy, shall create and offer a training course for coroners and deputy coroners. The training course must include:**

- (1) at least forty (40) hours of instruction; and
- (2) instruction regarding:
 - (A) death investigation;
 - (B) crime scenes; and
 - (C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The coroners training board, in consultation with the Indiana law enforcement academy, shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

- (1) include at least eight (8) hours of instruction; and
- (2) cover recent developments in:
 - (A) death investigation;
 - (B) crime scenes; and
 - (C) preservation of evidence at a crime scene for police and crime lab technicians.

(c) In creating the courses under subsections (a) and (b), the coroners training board shall consult with a pathologist certified by the American Board of Pathology regarding medical issues that are a part of the training courses.

(d) All training in the courses offered under subsections (a) and (b) that involves medical issues must be approved by a pathologist certified by the American Board of Pathology.

(e) All training in the courses offered under subsections (a) and (b) that involves crime scenes and evidence preservation must be



1 approved by a law enforcement officer.

2 (f) The coroners training board shall issue a coroner or deputy
3 coroner a certificate upon successful completion of the courses
4 described in subsections (a) and (b).

5 SECTION 149. IC 36-2-14-22.4 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 22.4. A coroner shall follow**
8 **the procedures set forth in IC 29-2-16.1 concerning organ and**
9 **tissue procurement.**

10 SECTION 150. IC 36-2-14-23, AS ADDED BY P.L.157-2007,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS: Sec. 23. (a)
12 Each coroner shall successfully complete the training course offered
13 under ~~section 22.2(a)~~ **section 22.3(a)** of this chapter within six (6)
14 months after taking office.

15 (b) Each deputy coroner shall successfully complete the training
16 course offered under ~~section 22.2(a)~~ **section 22.3(a)** of this chapter
17 within one (1) year after beginning employment with a coroner's office.

18 (c) Each coroner and each deputy coroner shall successfully
19 complete the annual training course offered under ~~section 22.2(b)~~
20 **section 22.3(b)** of this chapter each year after the year in which the
21 coroner or deputy coroner received the training required by ~~section~~
22 ~~22.2(a)~~ **section 22.3(a)** of this chapter.

23 (d) After a coroner or deputy coroner has:

- 24 (1) successfully completed the training course as required under
- 25 subsection (a) or (b); and
- 26 (2) successfully completed the annual training course as required
- 27 under subsection (c);

28 the coroner or deputy coroner shall present a certificate or other
29 evidence to the county executive, or in the case of a county that
30 contains a consolidated city, the city-county council, that the coroner
31 or deputy coroner has successfully completed the training required
32 under subsection (a), (b), or (c).

33 (e) If a coroner or deputy coroner does not present a certificate or
34 other evidence to the county executive, or in the case of a county that
35 contains a consolidated city, the city-county council, that the coroner
36 or deputy coroner has successfully completed the training required
37 under subsection (a), (b), or (c), the county executive or city-county
38 council shall order the auditor to withhold the paycheck of the coroner
39 or deputy coroner until the coroner or deputy coroner satisfies the
40 respective training requirements under subsections (a), (b), and (c),
41 unless the county executive or city-county council adopts a resolution
42 finding that:

- 43 (1) the failure of the coroner or deputy coroner to complete the
- 44 respective training requirements under subsections (a), (b), and
- 45 (c) is the result of unusual circumstances;
- 46 (2) the coroner or deputy coroner is making reasonable progress,



under the circumstances, toward completing the respective training requirements under subsections (a), (b), and (c); and (3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(f) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (e) and a coroner or deputy coroner later presents a certificate or other evidence to the county executive or city-county council that the coroner or deputy coroner has successfully completed training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to release all of the coroner's or deputy coroner's paychecks that were withheld from the coroner or deputy coroner.

SECTION 151. IC 36-2-15-5, AS AMENDED BY P.L.219-2007, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.
- (5) In a county in which the transfer of duties is required by subsection (e), performance of the assessment duties prescribed by IC 6-1.1.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or
- (2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) A transfer of duties between assessors under subsection (e) does



not affect:

- (1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or
- (2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(e) If for a particular general election after June 30, 2008, the person elected to the office of township assessor or the office of township trustee-assessor has not attained the certification of a level two assessor-appraiser as provided in ~~IC 3-8-1-23.5~~ **IC 3-8-1-23.6** before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor or township trustee-assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor or township trustee-assessor (as appropriate) if at a later election a person who has attained the certification of a level two assessor-appraiser as provided in ~~IC 3-8-1-23.5~~ **IC 3-8-1-23.6** is elected to the office of township assessor or the office of township trustee-assessor.

(f) If assessment duties in a township are transferred to the county assessor under subsection (e):

- (1) the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor; and
- (2) the office of township trustee remains in place for the purpose of carrying out all functions of the office other than assessment duties prescribed by IC 6-1.1.

SECTION 152. IC 36-6-5-1, AS AMENDED BY P.L.219-2007, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (f), a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

- (1) a population of more than eight thousand (8,000); or
- (2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) Except as provided in subsection (f), a township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000) if:

- (1) the legislative body of the township, ~~(1)~~ by resolution, declares that the office of township assessor is necessary; and



(2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) Except as provided in subsection (f), a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(e) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(f) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to ~~IC 3-8-1-23.5~~ **IC 3-8-1-23.6**.

SECTION 153. IC 36-8-15-19, AS AMENDED BY P.L.148-2007, SECTION 9, AND P.L.195-2007, SECTION 10, AND AS AMENDED BY P.L.224-2007, SECTION 131, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.

(a) This subsection applies to a county ~~not having a consolidated city~~ *that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)*. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board (*before January 1, 2009*) or the county



1 *board of tax and capital projects review (after December 31, 2008)*
 2 shall, for property taxes first due and payable during the year after the
 3 adoption of the ordinance, adjust the maximum permissible ad valorem
 4 property tax levy limits of the district and the units participating in the
 5 district.

6 (d) If a unit by ordinance or resolution joins the district or elects to
 7 have its public safety agencies served by the district, the local
 8 government tax control board (*before January 1, 2009*) or the county
 9 board of tax and capital projects review (*after December 31, 2008*)
 10 shall reduce the maximum permissible ad valorem property tax levy of
 11 the unit for property taxes first due and payable during the year after
 12 the adoption of the ordinance or resolution. The reduction shall be
 13 based on the amount budgeted by the unit for public safety
 14 communication services in the year in which the ordinance was
 15 adopted. If such an ordinance or resolution is adopted, the district shall
 16 refer its proposed budget, ad valorem property tax levy, and property
 17 tax rate for the following year to the board, which shall review and set
 18 the budget, levy, and rate as though the district were covered by
 19 IC 6-1.1-18.5-7.

20 (e) If a unit by ordinance or resolution withdraws from the district
 21 or rescinds its election to have its public safety agencies served by the
 22 district, the local government tax control board (*before January 1,*
 23 *2009*) or the county board of tax and capital projects review (*after*
 24 *December 31, 2008*) shall reduce the maximum permissible ad valorem
 25 property tax levy of the district for property taxes first due and payable
 26 during the year after the adoption of the ordinance or resolution. The
 27 reduction shall be based on the amounts being levied by the district
 28 within that unit. If such an ordinance or resolution is adopted, the unit
 29 shall refer its proposed budget, ad valorem property tax levy, and
 30 property tax rate for public safety communication services to the board,
 31 which shall review and set the budget, levy, and rate as though the unit
 32 were covered by IC 6-1.1-18.5-7.

33 (f) The adjustments provided for in subsections (c), (d), and (e) do
 34 not apply to a district or unit located in a particular county if the county
 35 fiscal body of that county does not impose an ad valorem property tax
 36 levy under subsection (a) to fund the operation of the district.

37 (g) *A county that has adopted an ordinance under section 1(3) of*
 38 *this chapter may not impose an ad valorem property tax levy on*
 39 *property within the district to fund the operation or implementation of*
 40 *the district.*

41 SECTION 154. THE FOLLOWING ARE REPEALED
 42 [EFFECTIVE UPON PASSAGE]: IC 3-8-1-23.5; IC 8-1-17-18;
 43 IC 12-15-44; IC 16-18-2-315.5; IC 16-41-42; IC 32-21-5-5.5;
 44 IC 36-2-14-22.2.

45 SECTION 155. P.L.234-2007, SECTION 48, IS AMENDED TO
 46 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION



1 48. (a) As used in this SECTION, "board" refers to the spinal cord and
 2 brain injury research board created by ~~IC 16-41-42-6~~, **IC 16-41-42.2-5**,
 3 as added by this act.

4 (b) Notwithstanding ~~IC 16-41-42-6~~, **IC 16-41-42.2-5**, as added by
 5 this act, members initially appointed to the board under
 6 ~~IC 16-41-42-6(b)(1)~~, ~~IC 16-42-41-6(c)(1)~~, and ~~IC 16-42-41-6(c)(2)~~,
 7 **IC 16-41-42.2-5(b)(1)**, **IC 16-41-42.2-5(c)(1)**, and
 8 **IC 16-41-42.2-5(c)(2)**, all as added by this act, are appointed for a term
 9 of four (4) years.

10 (c) Notwithstanding ~~IC 16-41-42-6~~, **IC 16-41-42.2-5**, as added by
 11 this act, members initially appointed to the board under
 12 ~~IC 16-41-42-6(c)(3)~~ and ~~IC 16-41-42-6(c)(4)~~, **IC 16-41-42.2-5(c)(3)**
 13 **and IC 16-41-42.2-5(c)(4)**, both as added by this act, are appointed for
 14 a term of three (3) years.

15 (d) Notwithstanding ~~IC 16-41-42-6~~, **IC 16-41-42.2-5**, as added by
 16 this act, members initially appointed to the board under
 17 ~~IC 16-41-42-6(b)(4)~~ and ~~IC 16-41-42-6(c)(5)~~, **IC 16-41-42.2-5(b)(4)**
 18 **and IC 16-41-42.2-5(c)(5)**, both as added by this act, are appointed for
 19 a term of two (2) years.

20 (e) Notwithstanding ~~IC 16-41-42-6~~, **IC 16-41-42.2-5**, as added by
 21 this act, members initially appointed to the board under
 22 ~~IC 16-41-42-6(b)(2)~~ and ~~IC 16-41-42-6(b)(3)~~, **IC 16-41-42.2-5(b)(2)**
 23 **and IC 16-41-42.2-5(b)(3)**, both as added by this act, are appointed for
 24 a term of one (1) year.

25 (f) This SECTION expires July 1, 2011.

26 SECTION 156. **An emergency is declared for this act.**

